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Nos. 81-2147 and 81-2188
(Consolidated)

In The
Supreme Court of the United States
October Term, 1982

ARIZONA, et al.,
Petitioners,

vs.

SAN CARLOS APACHE TRIBE OF ARIZONA, et al.,
Respondents.

MONTANA, et al.,
Petitioners,

vs.

NORTHERN CHEYENNE TRIBE OF THE NORTHERN CHEYENNE INDIAN RESERVATION, et al.,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

JOINT APPENDIX, VOLUME II
(Montana, et al. v. Northern Cheyenne Tribe, et al., No. 81-2188)

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No. 81-2147

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N. Chey. refers to *The Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation v. Adsit, et al.*, CV-75-6-BLG, CA-79-4887.

Tongue and *T* refer to *United States v. Tongue River Water Users Assoc., et al.* CV-75-20-BLG, CA-80-3040, CA-80-3041, CA-80-3042.

Big Horn and *BH* refer to *United States v. Big Horn Low Line Canal, et al.*, CV-75-34-BLG, CA-80-3062, CA-80-3063.

Aageson and *Aag* refer to *United States v. Aageson, et al.*, CV-79-21-GF, CA-80-3032, CA-80-3044.

Aasheim and *A* refer to *United States v. Aasheim, et al.*, CV-79-40-BLG, CA-80-3028, CA-80-3061.

AMS refers to *United States v. AMS Ranch, Inc., et al.*, CV-79-22-GF, CA-80-3045.

Abell refers to *United States v. Abell, et al.*, CV-79-33-M, CA-80-3038.

All refers to all cases.

Docket Number	Date	Description of Docket Entry
2 N. Chey.	1/30/75	Complaint of Northern Cheyenne Tribe.
5 T	4/11/75	Motion to dismiss and application for 60 days to file supporting briefs by defendants represented by Hibbs, Sweeney & Colberg.
3 N. Chey.	2/19/75	Motion to dismiss by defendants represented by Hibbs, Sweeney & Colberg, and motion for extension of time to file supporting brief.
4 N. Chey.	2/19/75	Order granting defendants 60 days to file brief in support of motion to dismiss.

Docket Number	Date	Description of Docket Entry
2 Tongue	3/7/75	Complaint of United States.
2 BH	4/17/75	Complaint of United States.
8 T	4/22/75	State's motion to dismiss.
3 BH	5/8/75	Defendants' motion to dismiss.
9 N. Chey.	5/8/75	Order staying all proceedings until 6/5/75 and ordering pretrial conference held 6/5/75.
10 N. Chey.	5/8/75	State's motion to dismiss and application for 60 days to file brief in support.
8 BH	5/13/75	Motion to dismiss of defendants represented by Kronmiller and Seykora.
9 BH	5/13/75	Order that counsel appear for pretrial conference 6/25/75.
14 BH	5/16/75	State's motion to dismiss complaint.
11 N. Chey. 11 T	6/5/75	Order granting plaintiffs to 8/1/75 to file amended complaint, that all service be completed by 9/15/75 and all defendants appear by 11/17/75, and denying all pending motions with right to renew after amended complaint filed.
18 BH	6/11/75	Order vacating 6/25/75 hearing as premature, and granting plaintiff until 9/1/75 to file amended complaint, complete service by 11/14/75; denying all pending motions subject to renewal.
14 N. Chey. 14 T	7/31/75	Stipulations for consolidation of *N. Chey.* with *Tongue.*
15 T	8/1/75	Amended complaint of United States.
17 N. Chey.	8/4/75	N. Cheyenne's motion for consolidation of *N. Chey.* and *Tongue.*
17 T	8/4/75	Motion of Northern Cheyenne for consolidation of *N. Chey.* and *Tongue.*
22 N. Chey.	8/14/75	First amended complaint of Northern Cheyenne Tribe.
28 BH	8/29/75	Amended complaint of United States.
26 N. Chey. 26 T	9/4/75	Order that State of Montana be joined as defendants.
27 N. Chey. 27 T	9/4/75	Order that notice of pendency of suit for adjudication of water rights in the

Docket Number	Date	Description of Docket Entry
		Tongue River, Rosebud Creek or tributaries thereto be published once a week for three consecutive weeks.
29 N. Chey. 29 T	9/4/75	Stipulation of State of Montana for consolidation.
28 N. Chey. T	9/4/75	Order consolidating *N. Chey.* and *Tongue.*
30 BH	10/11/75	Defendants' motion to dismiss amended complaint.
30 N. Chey.	11/13/75	Order granting all defendants until 1/1/76 to plead to complaint.
54 T N. Chey.	11/17/75	Defendant Bowen's first interrogatories to plaintiff.
62 N. Chey. 62 T	12/11/75	Order granting defendants to 3/1/76 to appear.
41 BH	12/11/75	Order granting defendants until 3/1/76 to respond to complaint.
70 N. Chey. 70 T	1/20/76	Stipulation between U. S. and State for stay of proceedings.
71 N. Chey. 71 T	1/20/76	Stipulation between Northern Cheyenne Tribe and State for stay of proceedings.
73 N. Chey. T	1/20/76	Agreed order staying action in *Colorado River Water Conservation District v. United States*, and ordering State of Montana to notify all defendants who have made appearances and to publish order.
64 BH	2/6/76	Order that State will be responsible for mailing all pleadings and orders to counsel of record.
73 BH	2/23/76	Order extending time to 6/30/76 to answer or appear to complaint, with copies to all counsel mailed by State of Montana.
91 BH	3/23/76	Motion of State for stay of proceedings.

Docket Number	Date	Description of Docket Entry
92 BH	3/23/76	Stipulation between State and U. S. for stay of proceedings.
93 BH	3/23/76	Order staying action pending decision of U. S. Supreme Court in *Colorado River Water Conservation District v. United States*, and until this order is dissolved by further order of court. State shall mail copy of order to all defendants who have appeared and publish in papers of circulation within the Big Horn River areas.
83 N. Chey. T	5/3/76	U. S. Motion to dissolve 1/20/76 order and to drop and add defendants to action.
90 N. Chey. T	5/24/76	Motion by defendants represented by Hibbs, Sweeney & Colberg to dissolve 1/20/76 order and to dismiss *N. Chey.* and *Tongue.*
91 N. Chey. T	5/26/76	State's motion to dissolve 1/20/76 order and to dismiss *N. Chey.* and *Tongue.*
93 N. Chey. T	5/27/76	Northern Cheyenne's motion to drop and add names (second amended complaint).
107 BH	6/1/76	State's motion to dissolve order of 3/23/76 staying proceedings and motion to dismiss.
100 N. Chey. T	6/4/76	Order dissolving 1/20/76 order staying proceedings and setting date for filing of objections to filing of second amended complaint, and setting date for hearing.
110 BH	6/4/76	Order vacating order of 5/26/76 (docket No. 93 BH, 3/23/76) and ordering any objections to Northern Cheyenne's request for leave to file second amended complaint in *Tongue*, to be filed by 6/18/76, motions to dismiss to be filed by 8/1/76, with hearing 9/10/76.
119 N. Chey. T	6/18/76	Complaint on intervention of Crow Tribe filed.
117 N. Chey. T	6/18/76	Motion of Crow Tribe to intervene as plaintiff.

Docket Number	Date	Description of Docket Entry
122 BH	6/18/76	Crow Tribe's complaint in intervention.
120 BH	6/18/76	Crow Tribe's motion to intervene.
127 BH	6/28/76	Motion to dismiss amended complaint by defendants represented by Hibbs, Sweeney & Colberg.
BH	7/1/76	Arguments held on Crow Tribe's motion to intervene.
N. Chey. T BH	9/10/76	Oral arguments on motions to dismiss.
149 T N. Chey.	10/18/76	Defendant Bowen's second interrogatories to plaintiff United States.
150 T N. Chey.	10/18/76	Defendant Bowen's first interrogatories to plaintiff Northern Cheyenne Tribe.
151 T N. Chey.	10/18/76	Defendant Bowen's first interrogatories to defendant Department of Natural Resources of the State of Montana.
152 T N. Chey.	10/18/76	Motion of Montana Department of Natural Resources to postpone answering defendant Bowen's interrogatories.
153 T N. Chey.	11/8/76	Defendant Bowen's motion to set aside court's order of 10/27/76.
154 T N. Chey.	11/8/76	Defendant Bowen's brief in opposition to motion on behalf of Department of Natural Resources to postpone answering interrogatories.
155 T N. Chey.	11/17/76	Plaintiff Northern Cheyenne Tribe's answers to defendant Bowen's first interrogatories.
157 T N. Chey.	11/22/76	Plaintiff's answers to defendant Bowen's second interrogatories to plaintiff United States.
173 BH	4/25/77	Order setting meeting of counsel with court on 5/26/77 in Billings.
165 N. Chey. T	10/7/77	Order granting U. S.' motion for leave to file supplemental memorandum in opposition to motions to dismiss and ordering State to serve order on parties.
167 N. Chey. T	2/7/79	Crow Tribe's motion for expeditious consideration of all pending matters.
185 BH	2/7/79	Crow Tribe's motion for expeditious consideration of all pending matters.
169 N. Chey. T	2/20/79	USA's motion to take up pending matters.

Docket Number	Date	Description of Docket Entry
189 BH	2/20/79	USA's motion to take up pending matters.
171 N. Chey. T	2/26/79	Northern Cheyenne Tribe's motion for expeditious consideration of pending matters in *Tongue* and *N. Chey.*
2 A	4/5/79	Complaint of U. S.
2 Aag	4/5/79	Complaint of U. S.
2 AMS	4/5/79	Complaint of U. S.
2 Abell	4/5/79	Complaint of U. S.
3 A	4/10/79	Motion of Assiniboine and Sioux Tribes for leave to intervene; lodged complaint in intervention.
3 Aag	4/10/79	Motion of Assiniboine and Sioux Tribes for leave to intervene with copy of complaint in intervention attached.
4 A	4/12/79	Order granting Assiniboine and Sioux Tribes' application for leave to intervene as plaintiff.
5 A	4/12/79	Filed Assiniboine and Sioux Tribes' complaint in intervention.
11 A	5/16/79	Order granting all defendants to 7/16/79 to file appearance in response to U. S. complaint and complaint in intervention of Assiniboine and Sioux Tribes.
8 Abell	5/16/82	Order that due to great number of defendants, copies of pleadings and orders shall be served and mailed only to those parties affected by said pleadings and orders.
3 A	5/17/79	Motion to dismiss of defendant Cloverdale Ranch.
10 Aag	5/17/79	Order extending time for all defendants to respond to complaint and complaint in interpleader to 7/16/79.
20 A	5/29/79	U. S. interrogatories and request to produce documents.
21 A	5/31/79	State's motion to prohibit entry of defaults.
39 Aag	5/31/79	State's motion to prohibit entry of defaults and for extension of time to answer.
44 AMS	5/31/79	State's motion for extension of time and prohibition of entry of defaults until service completed in *AMS*.
23 A	6/1/79	Kermit and Frieda Johnson's answers to United States' interrogatories and request to produce documents.

Docket Number	Date	Description of Docket Entry
40 Aag	6/1/79	Order extending time to respond to complaint and complaint in intervention through 7/31/79, and prohibiting plaintiff from entering default against any defendant without further order from court.
45 AMS	6/1/79	Order extending defendants' response to complaint to 7/31/79 and prohibiting plaintiff from entering default without order of court.
23 Abell	6/1/79	State's motion for extension of time to file answer and prohibiting entry of defaults.
46 AMS	6/4/79	U. S. interrogatories and request to produce documents.
24 Abell	6/4/79	Order granting State until 7/31/79 to respond to complaint and prohibiting plaintiff from entering default against any defendant without first having notified State about proposed entry of default.
46 AMS	6/4/79	United States' interrogatories and request to produce documents.
49 AMS	6/6/79	United States' interrogatories and request to produce documents answered by Karl M. Nutter.
50 AMS	6/6/79	United States' interrogatories and request to produce documents answered by Edna K. Nutter.
51 AMS	6/6/79	Defendant William F. Norman's answer to United States' interrogatories and request to produce documents.
52 AMS	6/6/79	Defendant Iva M. Norman's answer to United States' interrogatories and request to produce.
22 A	6/7/79	Walter E. Goetz' answers to United States' interrogatories and request to produce documents.
54 AMS	6/7/79	Defendant Jeanne Davidson's answer to United States.
67 Aag	6/7/79	U. S. interrogatories and request to produce documents.
27 A	6/8/79	State's motion to stay discovery.
57 AMS	6/11/79	State's motion to stay discovery.
58 AMS	6/11/79	Defendant State of Montana's memorandum in support of motion to stay discovery proceedings.

Docket Number	Date	Description of Docket Entry
60 AMS	6/11/79	Defendant James C. Miles' answer to United States' interrogatories and request to produce documents.
78 Aag	6/12/79	Defendant Edward Kubitza's answer to United States' interrogatories and request to produce documents.
62 AMS	6/12/79	Defendant Joan M. Urton's answers to United States' interrogatories and request to produce.
37 Abell	6/13/79	State's motion for stay of discovery pending disposition of State's motion to dismiss (to be filed in future).
92 Aag	6/13/79	Motion to stay discovery and supporting memorandum by eight defendants.
31 A	6/13/79	Delores M. Nelson's answers to United States' Interrogatories.
91 Aag	6/13/79	Allen J. Fowler's answers to United States' interrogatories and request to produce documents.
34 A	6/18/79	Order staying all proceedings pending completion of service upon all named defendants, and ordering U. S. marshal to notify court upon completion of service, at which time court would set time for response.
40 Abell	6/18/79	Order for disqualification on part of Judge Smith and transferring case to Hon. Paul G. Hatfield (Great Falls).
66 AMS	6/20/79	Defendant William W. Urton's answers to interrogatories.
67 AMS	6/21/79	United States' opposition to State of Montana's motion to stay discovery.
158 Aag	6/21/79	United States' oppsition to State of Montana's motion to stay discovery.
67 AMS	6/21/79	U. S. opposition to State's motion to stay discovery.
46 A	6/22/79	Lucille Sorensen's answers to United States' interrogatories.
47 A	6/22/79	Walter Bridge's and Jessie Bridge's answers to United States' interrogatories.
68 AMS	6/22/79	Defendant Catherine R. Billmaier's answer to United States' interrogatories and request to produce documents.
69 AMS	6/22/79	Defendant John M. Campbell's United States' interrogatories and request to produce documents answered by James R. Peters, current owner of property.

Docket Number	Date	Description of Docket Entry
70 AMS	6/22/79	Defendant James R. Peters' answer to United States' interrogatories and request to produce documents.
72 AMS	6/25/79	Defendant Milton S. Fretheim's answer to United States' interrogatories and request to produce documents.
73 AMS	6/25/79	Defendant Elsie Mae Meduquage's answer to United States' interrogatories and request to produce documents.
163 Aag	6/25/79	Elda Mae Schwarzbach's answers to United States' interrogatories and request to produce documents.
76 AMS	6/26/79	Defendant Kenneth G. Frick's answers to United States' interrogatories and request to produce documents.
49 A	6/27/79	George Lund's affidavit with answers to plaintiff's interrogatories with support documents attached.
108 AMS	6/28/79	Defendant Beulah Haye's answers to United States' interrogatories and request to produce documents.
109 AMS	6/29/79	Defendant Ralph Lindberg's answers to United States' interrogatories and request to produce documents.
197 Aag	6/29/79	Carl Hansen's answers to United States' interrogatories and request to produce documents.
50 A	6/29/79	Wilbur J. Erickson's answers to United States' interrogatories with support documents attached.
51 A	6/29/79	Nancy Hagadone's answers to United States' interrogatories.
52 A	6/29/79	Bartel Adreson's answers to United States' interrogatories.
54 A	7/2/79	Bertha Mitchell's answers to United States' interrogatories and request to produce documents.
110 AMS	7/2/79	Answer of defendant George Bothell to United States' interrogatories and request to produce documents.
55 A	7/3/79	Town of Brockton's answers to United States' interrogatories.
52 Abell	7/3/79	Order staying all proceedings until further order of the court, but clerk of court is directed to continue to issue summons against any defendants.

Docket Number	Date	Description of Docket Entry
202 Aag	7/5/79	Order staying all proceedings until further order of court, but clerk is to continue to issue summons against any defendants.
113 AMS	7/5/79	Order staying all proceedings until further order of court, except clerk is to continue to issue summons against any defendants.
233 Aag	7/5/79	Copy of interrogatories to Thelma Hearl with notation that she no longer owns property in Montana.
122 AMS	7/6/79	Defendant Robert Wigen's motion for extension of time to file interrogatories —mail copy of No. 113 to counsel.
123 AMS	7/6/79	Defendant Agnes Graham's answers to United States' interrogatories.
124 AMS	7/6/79	Defendant Paul Graham's answers to United States' interrogatories.
234 Aag	7/6/79	Defendant LaVerne Rahlf's answers to United States' interrogatories.
235 Aag	7/6/79	Defendant Frank R. Rahlf's answers to United States' interrogatories.
127 AMS	7/10/79	Defendant Bernia Ruth's motion for extension of time to answer complaint and to respond to discovery. Copy of No. 113 mailed to counsel.
129 AMS	7/13/79	Defendant Allen Fowler's answers to United States' interrogatories and request to produce documents.
130 AMS	7/13/79	Defendant Thelma Heard's answer and answer to United States' interrogatories and request to produce documents.
247 Aag	7/13/79	Defendant Lena Ramberg's answer to United States' interrogatories and request to produce documents.
255 Aag	7/13/79	Arthur C. Lotton's answers to United States' interrogatories and request to porduce documents.
132 AMS	7/16/79	Defendant William Muntzing's answer to United States' interrogatories and request to produce documents.
71 A	7/17/79	Lawrence A. Werner's answers to interrogatories.
136 AMS	7/17/79	Defendant Verne Casey's answers to United States' interrogatories and request to produce documents.

Docket Number	Date	Description of Docket Entry
137 AMS	7/19/79	Defendant Richard Han's answer to United States' interrogatories and request to produce documents with copy of certificate of water right attached.
144 AMS	7/25/79	Defendant Melvin Berkram's answer to United States' interrogatories and request to produce documents.
82 A	7/31/79	Florence E. Anderson's and Oliver Anderson's answers to plaintiff's interrogatories.
55 Abell	8/1/79	Filed summons and U. S. marshal's returns showing defendants and dates of service according to town in which defendants were served.
151 AMS	8/2/79	Defendant James Farrier's answer to United States' interrogatories and request to produce documents.
349 Aag	8/10/79	Melvin J. Loberg's answers to United States' interrogatories and request to produce documents.
352 Aag	8/10/79	George Young's answers to United States' interrogatories and request to produce documents.
84 A	8/17/79	Answers to United States' interrogatories from Fred Clark.
356 Aag	8/20/79	Motion of plaintiff intervenor Assiniboine and Sioux Tribes of Fort Peck Indian Reservation to waive the requirement that plaintiff-intervenor retain local counsel.
86 A	8/20/79	Motion of plaintiff-intervenor Assiniboine and Sioux Tribes of Fort Peck Indian Reservation to waive the requirement that plaintiff-intervenor retain local counsel.
88 A	8/29/79	Sherman Johnson's answers to plaintiff's first set of interrogatories.
206 AMS	9/7/79	Defendant Norman Benjamin's answer to United States' interrogatories and request to produce documents.
208 AMS	9/11/79	Defendant Phyllis P. Good's answers to United States' interrogatories and request to produce documents with exhibit "A" attached.

Docket Number	Date	Description of Docket Entry
210 AMS	9/18/79	Defendant Karen Jensen's answer to plaintiff's interrogatories and request to produce to Karen Jensen with attachments.
211 AMS	9/18/79	Defendant Ronald Jensen's answer to plaintiff's interrogatories and request to produce to Ronald Jensen with attachments.
89 A	10/15/79	Filed summons with U. S. marshal's returns for all defendants.
387 Aag	11/1/79	Defendants Rolly and Francis Kaufman's answers to interrogatories.
230 AMS	11/21/79	Defendant Larson's answers to United States' interrogatories.
231 AMS	11/21/79	Defendant Lester Larson's answers to United States' interrogatories.
234 AMS	11/24/79	Defendant Lester Eide's answer to United States' Interrogatories.
178 N. Chey. T	11/29/79	Memorandum and order dismissing action.
179 N. Chey. T	11/29/79	Judgment that action is dismissed.
192 BH	11/29/79	Memorandum and order dismissing action.
193 BH	11/29/79	Judgment that action is dismissed.
90 A	11/29/79	Memorandum and order dismissing action.
91 A	11/29/79	Judgment that action is dismissed.
390 Aag	11/29/79	Filed summons with U. S. Marshal's returns.
391 Aag	11/29/79	Memorandum and order dismissing case.
392 Aag	11/29/79	Judgment that case is dismissed.
236 AMS	11/29/79	Memorandum and order dismissing case.
237 AMS	11/29/79	Judgment that case is dismissed.
62 Abell	11/29/79	Memorandum and order dismissing action.
63 Abell	11/29/79	Judgment entered that action is dismissed.
180 N. Chey.	12/26/79	Amended notice of appeal of Northern Cheyenne.
92 A	1/14/80	Notice of appeal of Assiniboine and Sioux Tribes.
92 A	1/14/80	Notice of appeal of Assiniboine and Sioux Tribes.
393 Aag	1/21/80	Notice of appeal by Assiniboine and Sioux Tribes, applicants for intervention.

Docket Number	Date	Description of Docket Entry
194 BH	1/25/80	Notice of appeal of USA
195 BH	1/25/80	Notice of appeal of Crow Tribe.
395 Aag	1/30/80	Amended notice of appeal of U. S.
180 T	1/23/80	Notice of appeal of James Bowen
93 A	1/25/80	U. S. notice of appeal.
182 T	1/28/80	Crow Tribe's notice of appeal.
241 AMS	1/30/80	Amended notice of appeal of U. S.
65 Abell	1/31/80	Amended notice of appeal of U. S.
181 T N. Chey.	2/1/80	Amended notice of appeal of U. S.
		NINTH CIRCUIT COURT OF APPEALS
All	3/13/80	Motion to consolidate appeals.
All	3/14/80	Order consolidating appeals.
Abell	5/28/80	Motion of Confederated Salish and Kootenai Tribes of Flathead Reservation to intervene in appeal.
Abell	7/24/80	Order granting Confederated Salish and Kootenai Tribes leave to intervene in appeal.
All	6/29/81	Order setting appeals for oral argument on 7/15/81 with Arizona cases and requesting counsel to divide issues to avoid duplication.
All	7/15/81	Oral argument; case deemed submitted.
All	2/22/82	Opinion and judgment reversing district court.
All	3/4/82	Motion of U. S. for clarification of opinion.
All	4/5/82	Order clarifying opinion.

AMENDED COMPLAINT OF UNITED STATES,
United States v. Tongue River Water Users Assoc. et al.,
United States District Court, Montana, CV 75-20-Blg
(filed 8/1/75)

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

Civil No. CV 75-20-Blg

United States of America,
Plaintiff,

v.

Tongue River Water Users Association; Alderson, Carolyn W.; Alderson, Irving N., Jr.; Ashenhurst Ranch, Inc.; Bailey, Connie; Bailey, Donald; Bailey, James N.; Bailey, John L.; Bailey, Mary E.; Baker, Verna S.; Ball, John D.; Ball, V. Fletcher; Barker & Collins; Batey, Bernice; Batey, Harriet; Beebe, O. K.; Beebe, Sarah; Bones Brothers Ranch, Inc.; Bowen, James; Boyce, Inc.; Braley, Jean Cloy; Brewster, Donald H.; Brewster, Frances; Brey, Jennett; Broadus, Inc.; Broadus, Margaret C.; Brooke, Vennie Lane; Brown Cattle Co.; Brown, Willie B.; Bull, Anne T.; Bull, Harold N.; Bundy, Earl E.; Burch, D. E.; Burlington-Northern Land Grant Lands;

Burns, James; Burnsides, Wayne, Est.; Cal Gas-Broadus; Canyon Creek Cattle Company; Cartwright, Birdena A.; Cartwright, Lee; Cartwright, Lee E.; Chapman, Clarence C.; Charles Finley Parking; Clark, B. D.; Clark, Ethelda E.; Clark, Walter L.; Coates, Fern L.; Coates, George O.; Coates, Leslie E.; Coates, Shirley S.; Conley, Dorothy; Conley, Ralph; Consolidation Coal Co.; Cornwell Land & Livestock Co.; Curran, Bud; Curran, Helen E.; Curran, Joe W.; Curran, Mildred; Daniels, Edward W.; Daniels, Mary B.; Davidson Cattle Co.; Davidson, George; Davidson, Verdie; Davidson, Verdie P.; Dean, Walter B., Jr.; Dodds, J. E.; Dodds, Jack; Dodds, John E.; Dunning, Elsie M.; Dunning, James B.; East, Victor A.; East, Violet; Eastgate; Eastmont Forest Products, Inc.; Ebeling, Eula; Ebeling, Robert E.; Egan, Minnie R.; Egan Ranch, Inc.; Farley's, Inc.; Fjell, Elmer; Flowers, Mabel C. Life Estate; Flowers, William R.; Fritz, Hedwig M.; Fritz, Hugo W.; Fulmer, Genie Philbrick; Garfield, Genie May; Garfield, Russell; General Conference of Mennonites; Gilliland, James E.; Gilliland, Sally W.; Golder Ranch, Inc.; Green, Kirk; Green, Michael; Greenleaf Land & Livestock Co.; Groom, Chauncy, Mrs. Est.; Haley, Shirley; Hamilton, Helen D.; Hanft, Carolyn D.; Hanks, Anne T.; Hana, Alice; Hanna, Richard; Hanson, Edward M.; Harris, Mary Ann; Harris, Patsy Brey; Harris, Robert L.; Harstad, Eleanor A.; Harstad, John O.; Harstad, Inc.; Hart, Blanche; Harwood, Hubert; Harvey, R. S.; Harvey, Yvonne; Haughian Livestock Co.; Hayes, Perry W.; Hays and Sons Land & Livestock Co.; Hoover, Don W.; Hoover, Duane D.; Howard & Son, Inc.; Howard Margaret A.; Howard, W. B.; Hunt, H. L.; Hunt Oil Co.; Ingle, Duane; Ingle, Erna; Jones Bros. Livestock Co.; Kendrick Cattle Company; Knobloch, Albert; Knobloch Bros.; Knobloch, Jack; Kowis, Ellen; Kowis, Tony; Ladson, Rodger G.; Ladson, Sherry T.; Lange, Francis H.; Lange, Jean A.; Langohr, P. D.; Larsen, Henry; Larsen Ranch, Inc.; Lenyard, Carl U.; Lenyard, Katherine; McCuistian, H. D.; McFadden, Minnie Est.; Mann, Ruth Alberta; Mar, Donald R.; Mees, Dora; Mees, Phyllis A.; Mees, LaVon, Trustee; Mitzkus, Clifford; Mitzkus, Elizabeth; Mobley Ranch

Corp.; Montana Power Co. & Puget Sound Power and Light Company; Moreland, Mary B.; Moreland, Wilson W.; Nance Cattle Co.; Neilsen, Jessie I., Est.; Nine H Six Ranch Co.; Orr, Alice Rebecca; Ostrom, Mary Jane; Owen, Idalene; Owen, Jay F.; Parsons, Helen C.; Pattison, Andrew; Peabody Coal Co.; Pegram, Josephine; Perry, D. L.; Perry, George Welch; Peters, Johnny; Peters, Stella Ann; Peterson, Anna Paulson; Peterson, Racine; Petre, Preston; Petre, Stuart O.; Philbrick, Newell G.; Philbrick, Rita R.; Pitman, George; Polich, Arthur W.; Polich, Vesta L.; Province of St. Joseph of the Capuchin Order; Pugh, Glynn E.; Pugh, Laverne O.; Quarter Circle U Ranch Co.; Randolph, Edmund; Rash, Marion; Rocker Six Cattle Co.; Roman Catholic Bishop of Great Falls; St. Labre Mission; Schaudel, Robert G.; Schmaus, Helen M.; Schroeder, Josephine; Shaver, Boyd; Shaver, Marian E.; Silvert Sand Est.; Sloan, Stanley; Smith, Dorothy; Smith, Dorothy R.; Smith, Larry; Smith, Larry H.; Smith, Wilbur R.; Snider, Donald C.; Snider, Ethel E.; Snider, James W.; Snider, Merle F.; Snodgrass, Albert C.; Snodgrass, Alice M.; Sorenson, Leland; Sprague, Harold; Sprague, Hulda; Sprague, Jean; Sprague, Virginia; Stevens, Marcus; Stevens, Nancy P.; Stevenson, Cleatus G.; Stevenson, Geraldine L.; Straw, Alva E.; Straw, Vennie Lane; Sufficool, John E.; Sweedland, Florence May; Thompson, Mildred; Thompson, Olaf; Thompson, Sophie M.; Thompson, Toryus; Tranel, Virginia E.; Trull, Robert Bruce; Trusler, Inc.; Trusler, Jacqueline; Trusler, W. C.; Trusler, Woodrow W.; Valentine, Christine S.; Vassau's Flying X Ranch; Viall, Lillian; Wagner, Herbert T.; Wagner, Inez; Ward, Willis, Inc.; Warth, Joseph H.; Watson, L.; Wetherelt, Francis G.; Wetherelt, Vera; Wimer, Donna D.; Wimer, Tom V.; Wimer, Vern; Younglund, Dennis; Zempel, Anna E.; Zempel, Fred W.;

Adsit, Thomas Ralph; Alexander, Mary Ann; Anderson, Michael E.; Anderson, Philip C.; Bar 69 Cattle Company; Big Horn County; Brown, Albert, Jr.; Buckley, Charles Phillip; Burlington Northern, Inc.; Carbone, Mary; Carbone, Rocco; Carlat, Charlene P.; Conley, Charles F.; Conley, Francis N.; Conner, Arlo; Conner, Lavon; Con-

tinental Oil Company; Cotton, Ellen E.; Cox Ranch Company; Davis, Evelyn H.; Decker Coal Company; Denver Properties Corp.; East, Victor A.; East, Violet J.; Elder, Alexander B.; Elder, Carrie; Elder, Maudie M.; Elder, Willis W.; Ellis, C. J.; Ellis, Kathleen; Faddis Kennedy Cattle Co.; Ferguson, Dwight; Ferguson, Thomas; Flying V Cattle Co.; Foss, Claris; Foss, Claris W.; Foss, Ednis M.; Fox, Elsie R; Freels, Charles P.; Freels, Elsie A.; Gentry, Johnnie; Gentry, Nancy Brooks; Gentry, Nancy Ruth; Gentry, Nancy Yonkee; Gregory, Mary Roush; Hall, Clara; Hall, Clyde; Hamilton, James S.; Hamilton, James S., Jr.; Hamilton, Lois J.; Hammond, George J.; Hammond, Joe Annette; Harvey, Frank D.; Harvey, Rino; Helvey, Charles E.; Helvey, Laura E.; Helvey, Lucie Lee; Holmes, Dixie L.; Holmes, George B.; Holmes, Raymond; Hope, Barbara; Hope, Edwin E.; Hope, Joe; Hosford, Lorraine; Hosford, Richard S.; Hults, Irwin G.; Hults, Ralph M.; Jeans Fork Cattle Company; Jines, Orvel; Johnson, Adrienne; Johnson, B. Torrey; Johnson, Dorothy May (Williams); Jones, Hugh O.; Jordan, Ruth; Jorgenson, Earl; Kane, Kenneth A.; Kennedy, J. R. Porter; Kennedy, Robert S.; Kevern, Frances M. Shively; Kimmel, Jean A.; Kirkemo, Harold, Trustee; LSL Ranch, Inc.; Lee, Evelyn M.; Lee, Robert A.; Lloyd, Mary E.; Lloyd, Mibra E.; Lott, Robert W.; Lott, Trilby B.; McCarthy, Audrey A.; McCarthy, James P.; Martin & Thomas, Inc.; Mefford, Harry M.; Menegas, Helen; Menegas, Louis; Millers Inc.; Miller, Walter, Jr.; Montana, State of Department of Natural Resources and Conservation; Moorehouse, Elve Marie; Moreland, Elta M.; Moreland, John W., Jr.; Muller, James D.; Muller, Simon; Muller, Winnifred E.; Muller, Theodore; Munson, Emmett; Munson, Vada L.; Murray, Jack E.; Musgrave, Bernice; Musgrave, D. D.; Musgrave, William R.; Myers, Cecil; Northern Cheyenne Tribe; Pacific Power & Light Company; Padlock Ranch Company; Parker, Frances Caroline; Parkis, Bettie M.; Parkis, William H.; Paulson, Paul; Pease, Ida; Penson, Caarles V.; Penson, Irene B.; Perkins, Bonita S.; Perkins, Willis S.; Peterson, Burke; Peterson, Yvonne; Pierce, Almeda B.; Pierce, Jim; Jo-

seph M.; Pilch, Margaret P.; Pilch, Stanley D.; Porter, A. Hayden; Porter, Fra; Porter, Harvey A.; Porter, Nancy; Powell Cattle Company; Range Telephone Coop, Inc.; Reavis, Mary Josephine; Rockman, Lillian Yarlott; Roman Catholic Bishop Off.; Rowland, Richard; Rugg, William H.; Ruzicka, Joseph; Schaak, John; Schaar, Dan; Schreibeis, Harry H.; Scott, Dan S.; Scott, Homer; Scott, Homer A.; Scott Land and Livestock Company; Scrutchfield, Leroy; Schrutchfield, Leroy L.; Secrest, Charles; Secrest, Patsy; Selage, May E.; Selage, Nicholas; Sheeley, Mary C. & Co.; Sheeley, Glen H. & Co.; Sikora, Agnes; Sikora, Paul; Spang, Kash J.; Spang, Ruth Sink; Spang, Wilma Neibuhr; Spear O Ranch Company; State Department of Lands; States, Vernon J.; Stevens, Calvin H.; Stevens, Marcus H.; Stout, Lyla M.; Stout, Robert A.; Swift, Robert E.; Swift, William B.; Taylor, Shirley H.; Taylor, Walter J.; Thomas, Helen Porter; Thomas, Jess; Thomas, Jess W.; Thomas, Lawrence; Thomas, Marlyn; Thompson, Cullen R.; Thompson, Jane T.; Thompson, Sirgurd; Thompson, Sophie; Trussler, Caluet; USA in Trust for Maxine Guevera Spa; USA in Trust for Northern Cheyenne Tribe; Wallop, Edward John; Westwood Cattle Co.; Williams, Goldie E.; Williams, William O.; Wilson, Laura, Trustee; Winther, Jerome; Young, John; Young, Larue; Young, Mary;

Alderman Co., Inc.; Allen Brothers, Inc.; Allen, Fay M.; Allen, Harry B.; Allen, Howard S.; Allen, Jerry Belle; Aye, Betty L.; Aye, Earl A.; Badgett, Kirk; Badgett, Kirk G.; Badgett, Lora; Badgett, Wallace K.; Bales, Margaret E.; Bales Ranch, Inc.; Bales, Walter B.; Bales, Walter Keith; Bartholomew, Evelyn V.; Bartram, James Edward, Jr.; Benge, Dale V.; Benge, Flossie S.; Benge, Marie; Bliss, David A.; Bly, William; Breckenridge, Al; Breckenridge, Alpha Mae; Breckenridge, George Kenneth; Bug Ranch Co., Inc.; Bull, Anne Thex; Bull, Gary E.; Butts, Calvin H.; Butts, Joy; Cain, Bessie May; Cain, Gladys; Cain, Mike B.; Cain, Oscar Donald; Cain, Wreatha; Capra, Louis J.; Capra, Penny L.; Carlat, J. Maude; Carlat, L. T.; Carlat, Ralph C.; Choate, Alice; Combs Ranch, Inc.; Conley, Charles F. and Devisees of

Conley, Charles R.; Crocker, Harold M.; Crocker, Iva V.; Crocker, Roberta M.; Coykendall, Eltha Muriel; Dalzell, D. H.; Darrah, Clair; Darrah, May E.; Decker, August; Decker, Mary V.; Deibel, Gladys I.; Dice, Virginia M.; Double H Ranch, Inc.; Dudley, C. A.; Dunning, Gretchen C.; Dunning, Leota; Dunning, Sidney F.; Dunning, Sidney Lee; E. B. Ranch; Finlayson, Harry R.; Finlayson, Phoebe Ann; Fletcher, Gladys I.; Fowler, Ruth Estate; Fowler, Ruth E. Estate; Franklin, Fern; Freestad, Gus; Freestad, Helena; F. T. Y. Ranch Company; Gaskill, Andrew; Gaskill, Barbara; Gaskill, Charles F.; Gaskill, Ila M.; Gaskill, Martha A.; Gaskill, Martha M.; Gaskill, Ray; Gaskill, Sara Thex; Gaskill, Wanda; Gaskill, William A.; Gold, John Estate; Goodwin, Addie M.; Goodwin, Horace F.; Goodwin, Margaret; Green, L. J. & Sons, Inc.; Greenwood, Carol S.; Greenwood, Russell; Gulbranson, Andrew A. Estate; Hagedorn, Robert R.; Hagedorn, Sally; Hagen, Dorothy Marie; Hagen, Ole G. Estate; Hahnkamp, Elva M.; Hanic, Anthony; Hanson, Delbert; Hanson, Florence; Hanson, Perry; Harris, Eldon D.; Harris, Marvin L.; Hayden & Ahern; Hepp, Zane; Holm, John P.; Hope, Barbara L.; Hope, Joe E.; Howard, Ingeborg R.; Howard, Robert L.; Hutchison, Dorothy; Hutchison, Richard A.; Isaacs, Allyn; Isaacs, Flora; Janssen, Billie G.; Janssen, John M.; Janssen, Hallie; Janssen, Helen; Janssen, Lewis C.; Janssen, William M.; Knudson, Billie; Knudson, Lars; Knudson, Lars E.; Knudson, Lorena; Knudson, Lorena M.; Knudson, Ranch Co.; Kolka, Arthur; Kolka Cattle Company; Kolka, John; Korbe, Mary Dufford; Kraft, Charles H.; Kraft, Daniel R.; Kueffer, John A.; Kueffer, Vera L.; Lei, James E.; Lei, Jeanette L.; Lei, Oral, Ranch, Inc.; Leveque, Pierre V.; Levique, Evangeline M.; Levique, Mary P.; Levique, Pierre V.; Lockwood, Elizabeth; Lockwood, Lyle; Losinski, Conrad J.; Losinski, Elenora M.; Lovec, Maxine; Lowry, Marguerite H.; Luckuck, Charles Curtis; Luckuck, Elynor; Luther, Edith M.; McCullough, Harold; McCullough, Mary Ann; McFadden, Isabel; McFadden, William J.; McIntosh, Harriman, Montana Interest; Mann, Ray Estate; Marosok, Bob; Marosok, Frank; Marosok, Robert A.; Melville, Junior Pyrl;

Merchant, Dallos & Son, Inc.; Merchant, Dora; Miller, Josephine R.; Minow, June L.; Minow, Pete; Moody, Elmer Charles; Morgan, E. S.; Morgan, L. C.; Morris, Alice Mae; Morris, Willis D.; Newcomer, Ola Lue; Nichols, Louis R.; Nichols, Patrick Raymond; Nichols, Rita; Nuxoll, Ann; Nuxoll, Frank W.; Nuxoll, Walter; Ottesen, Donald; Ottesen, Laura; Ottesen, Norman; Palmer, Hazel F.; Palmer, William Wallace; Peterson, Pauline M.; Phillips, Carl P.; Phillips, H. I.; Phillips, James C., Jr.; Phillips, Patricia A.; Phillips, Ruth; Popp, John Willard; Popp, Nell Ilee; Powder River Lodge; Powers, Geneva; Powers, Gerald T.; Powers, Jennie A.; Powers, Robert T.; Powers, Robert Thomas; Presnell, Eva L.; Ratliff, Clyne Estate; Ratliff, H. Q.; Ratliff, Quay; Ratliff, Quay H.; Reavis, Anna F. Sneeth; Rhea, Robert K.; Rice, Signa Woods; Riley, Joyce; Riley, Leroy; Rohwedder, Anna Heirs; Rooney, Clara M.; Rooney, Hugh; Rooney, Larry R.; Rooney, Lewis H.; Rue, Judy Ann; Rue, Victor R.; Rukavina, Jan; Rukavina, John Wilbur; Samuelson, Robert; Samuelson, Ruth; Samuelson, Virginia; Samuelson, Voyle; Schiller, Herbert Allen; Schiller, Vera Jean; Schoonover, Agatha; Schoonover, John H.; Shy, Eva Rose; Shy, George Porter; Shy, Mae R.; Simpson, Milton; Smith, Alice J.; Smith, Carl M. & Sons, Inc.; Smith, Carl W.; Smith, George D., Jr.; Smith, Joe S.; Spire, Garold D.; Steadman, Alvin; Steadman, Josephine; Sterling, Daisy B.; Sterling, Donald T.; Sterling, Emma A.; Sterling, U. B.; Stevens, Doris; Stevens, Dorothy H.; Stevens, Harold H.; Stevens, Keith; Storm, Gertrude Howes; Tarter, Daniel H.; Terrett, Julian, Jr., Trustee; Terrett Ranch, Inc.; Thex, Alice; Thex, Calvin; Thex, Calvin L.; Thex, Clifford; Thex, Josephine; Thompson, Lucile A.; Tibbets, Coyne C.; Tongue River Electric Cooperative, Inc.; Trusler, Adeline; Trusler, L. D.; Trusler, William C.; Tucker, Bryan M.; Tucker, John H.; Wash, Carol Bull; Wash, William Glenn; Watson, Hugh Lloyd; Watson, Lloyd Ronald; Watt, David Winston; Watt, Ruth V.; Wegner, Elsie A.; Wegner, John; Weinberg, Harry; Whitcher, Royal A.; Whitham, Ethel H.; Whitham, John L.; Wiechman, L. R.; Wiltse Cattle Com-

pany; Wood, Eugene; Wood, Frances M.; Wood, Mae; Wood, Merle E.; Woods, Elvy M.; Yager, Joseph J.;

Abel, Glada; Abel, Glada M.; Allen, C. M. & Son; Allen Cattle Company; Allen, E. O.; Allen, Edna; Atkinson, Gertrude; Aye, Willis F.; Ballow, Bonnie Rea; Barber, George P.; Barnard, Katherine; Bastian, A. K. Stock Co., Inc.; Bird, Anna M ; Bird, Harold W.; Bird, Julia A.; Block, E. D.; Blum, Boyd C.; Blum, Gertrude E.; Blum, Margaret; Bumgardner, Charles; Bumgardner, Eva; Bumgardner, George; Bundy, Earl E.; Bureau of Land Management; Carey, Del; Carey Land and Livestock Co., Inc.; Carey, N., Inc.; Carpenter, Marjorie Irene; Chezum, Betty F.; Chezum, Richard W.; Colvin, C. E.; Colvin, Dorie Lou; Copenhaver, Katherine E., Trustee; Cotton, Vernon; Dahlman, Fred; Dahlman, Minnie; Damm, Judith; Davis, Mary Lou; Davis W. M.; Deibel, Gladys L.; Dent, Delores L.; Dent, Joe S.; Dent, R. ·i J.; Doak, Deming; Dodge, Carl A.; Dorr, Florence; Dorr, Lewis C.; Durand, Iva M.; Durand, Morton M.; Ellis, Lula F.; Failings, Inc., The; Fessler, Eugene; Flowers, John L. Estate; Forman, Ralph; Fortune, Marilyn; Fortune, Vern; Fortune, Vernon W.; Frankl, Berthold J.; Furness, Thomas; Giesecke Bros.; Giesecke, Richard W.; Giesecke, W. Ralph; Golden, Ruskin; Golden, Ruth Mary; Goss, Charles N.; Goss, Velna L.; Gramm, May Isabel; Gramm, Rudolph C.; Gresens, Irene; Gresens, Neal; Gresens, Neal L.; Gulf Oil Corporation; Hardy Land & Livestock Co., Inc.; Hardy, Robert F.; Harman, Frank Estate; Harwood, Lucile Ann; Heaps, Albina; Heaps, Willard; Hedlund, Mabel; Heller, Arla M.; Hitzfeld, Fred Estate; Hoagland, Beulah M.; Hoagland, Robbert C.; Hogg, Theodore B.; Holland, Lewis Carl; Holman, Emma Mae; Holman, Howard L.; Holowell, Bessie Carey; Holowell, Newton A.; Horizon Equipment Company; Hout, Dora; Hubbard, Loren C.; Hubbard, Margie; Hughes, C. Max; Hughes, Faye M.; Hughes, Grace; Hughes, Scott; Hunt, Raymond F.; Hunt, Roscoe; Hutchinson, Richard A.; Janson, Betty R.; Jerrel, Ray, Inc.; Johnson, Anna; Johnson, Bobby Williams Plunkett; Jones, Charles A.; Jones, Helen M.; Jones Land and

Livestock Company; Kelley, Helen; Kelley, J. Russell; Kiel, Joseph J., Jr.; Kiel, Pearl M.; Klausner, Rose; LaCosta Livestock Company; Lame Deer Ranch Company; Leach, C. H.; Leatherberry, Alfred L.; Leatherberry, Maxine C.; Lee, Bonnie M.; Lockie, John, Ranch, Inc.; Lockie, Helen A.; Lockie Livestock Company; Lockie, Wallace W.; Love, Doris Lukes Estate; McFarland, Hugh; McFarland, Hugh C.; McFarland, Lynn; McFarland, Marcia; McFarland, Mickey; McFarland, William C.; McGuire, Joe; McKee, Sally E.; McLean, Braco; McLean, Margaret Elizabeth; Mallett, Marjorie R.; Mallett, Charles A.; Marklund, Charles H.; Marklund, Nellie; Martin, Earl R.; Mathis, Catherine Gibb; Mathis, James R.; Meyer, Coleman; Meyer, Shirley; Mickels, James W.; Mickels, Marilyn A.; Mill Iron Ranch, Inc.; Miller, Gladys B.; Miller Jessie J.; Mitchell, W. A.; Montana Conference Association; Muggli, Cecelia R.; Muggli, Hugo; Murray, W. D.; Nansel, Arlo D.; Nansel, Ruth M.; Nefsy, Lorene; Nefsey, William; Nethercutt, Adah E. (Sapp); Nixon, Maxine A.; Nixon, Robert E.; Norman, A. G.; Norman, Velma; Ochsner, Fern A.; J. Donald; Ochsner's Inc.; Olander, Emil; Olander, Marie; Orcutt, Dezzie M.; Orcutt, J. Bruce; Pauley, Lila; Pauly, Laverne; Pauly, Robert; Perkins Ranch, Inc.; Peterson, Anna M.; Peterson, Allen N.; Peterson, Shirley D.; Phillips, Elizabeth B.; Polly, Lucile M.; Preller, Clarence; Preller, Clarence L.; Preller, Pearl F.; Pyle, Inc.; Radke, Jack; Radke, M. E.; Radke, Richard; Ramage, John F.; Ramage, Lois J.; Ramer, Sydney L.; Robinson, Floyd W. & Sons, A Corp.; Rogers Ranch, Inc.; Ronning, Orville B.; Rooney's, Inc.; Rumph, Anna C.; Russell, Donald F.; Saddler, Mabel S.; Saddler, R. J.; Schaefer, Eilene; Schaefer, Walter M.; Schlepp, Mary Ida, Schlepp, Theodore; Schmidt, Frieda; Schmidt, Marie; Schmidt, Ray; Schmidt, Willibald; Severson, George; Severson, Marjorie; Sheets, H. G.; Shock, Glen E.; Shock, Laurel J.; Shy, Ann M.; Shy, Robert J.; Simpson, Milton C.; Snyder, Earl B.; Soukup, Betty Lou; Sowers, Mary E.; Sparks, Elsie J.; Spickerman, Laura Tullis; Stanley, Don; Stanley, Raymond L.; Star Printing Co., Inc.;

Statewide Stations, Inc.; Stokes, Marian D.; Stoltz, Frank F.; Stoltz, Patricia; Stone, Opel M.; Storey, Herbert C.; Storey, Ileen; Straugh, George; Strub, Laverne; Strub, Louis; Swope, Jack A.; Swope, Wanda J.; Tennant, Jean E.; Thompson, Leslie A.; Thrasher, Anne B.; Todoroff, John; Tongue & Yellowstone Irrigation District; Tonn, Armond; Tonn, Armond W.; Tonn, Catherine; Tonn, Helder; Tonn, Helder D.; Tonn, Marcus; Tonn, Marcus J.; Town & Country Club; Trainer, Fern; Trainer, Jesse; T-Triangle Ranches, Inc.; Troxel, Gladys M.; Turner, David; Turner, David B.; Turner, Patricia M.; Union Oil Company; Van Elsen, Monica; Vera, Francis; Vera, Rafael; Waddell, Ella Fay; Waddell, George E.; Wagner, Carl W., Jr.; Wagon Rod Ranch, Inc.; Waite, Evelyn; Walden, Odette F.; Waldie, Ervin A.; Webster, Irene; Webster, Larry; Welch, Thelma B.; Welch, Vincent; Wellems, Ed; Wellems, John; Wells, Evelyn; Wells, Wesley; Wendelburg, A. C.; Wendelburg, Ruth; Whitbeck, George W.; Willson, Catherine H.; Willson, Leon H., Jr.; Willson, Marian; Wilson, Carl E.; Wilson, Frida; Winkley, Dorothy E.; Winkley, Ethel; Winkley, George E.; Winter, Beth J.; Winter, Malcom D., Jr.; Witcher, John F.; Witcher, Genevieve; Witcher, Perry C.; Wohlgenant, Lawrence; Wohlgenant, Mildred; Wood, Charles Ranch, Inc.; Yamada, Katherine; Younglund, Beverly J.; Younglund, Kenneth E.; Zimmer, Max, Zimmer, Walter; Zook, Isabel; Zook, Thomas F.

AMENDED COMPLAINT

I.

This is a civil action in which the United States, in its own right and as a fiduciary on behalf of the Northern Cheyenne Tribe of Indians and its members and the Crow Tribe of Indians and its members seeks a declaration of the rights of the United States and the Northern Cheyenne and Crow Indians in and to the use of the waters of Rosebud Creek and of the Tongue River within the State of Montana.

II.

The jurisdiction of this court is invoked under the provisions of Section 1345 of Title 28, United States Code.

III.

On information and belief it is alleged that the named defendants are persons or entities using or seeking to use waters of the Tongue River and/or Rosebud Creek or waters tributary thereto or are claiming rights to the use of these waters in the vicinity of the Northern Cheyenne and Crow Indian Reservations. All defendants are either residents of the State of Montana or are entities authorized and doing business in the State of Montana. The State of Montana is named as a defendant in its proprietary capacity, in its governmental capacity as the regulator of water uses under and in accordance with state law, and as parens patriae for its citizens individual, corporate and otherwise.

IV.

Rosebud Creek originates in the southeastern portion of the Crow Reservation. Running in an easterly direction, it leaves the Crow Reservation and then, running in a northeasterly direction, it runs across the Northern Cheyenne Reservation and enters the Yellowstone River near the town of Rosebud, Montana.

V.

The Tongue River is an interstate stream arising in northern Wyoming in the Big Horn Mountains. It runs in a northeasterly direction across the southeastern por-

tion of the State of Montana and empties into the Yellowstone River near Miles City, Montana.

VI.

Spring Creek, Squirrel Creek and Young Creek are intermittent streams that rise in the southeastern portion of the Crow Reservation. They flow southeasterly off the Reservation and empty into the Tongue River.

VII.

By Executive Order dated November 26, 1884, that portion of the Northern Cheyenne Reservation west of a line parallel to Rosebud Creek and 12 miles east of Rosebud Creek was withdrawn from the public domain and reserved for the use of the Northern Cheyenne Tribe and its members. When the said lands were reserved for Indian use the waters in, on and adjacent to said lands were withdrawn from private appropriation as against the United States and reserved for the use of the Northern Cheyenne Tribe and its members.

VIII.

By Executive Order dated March 19, 1900, the remainder of the lands now comprising the Northern Cheyenne Reservation were withdrawn from the public domain and reserved for the use of the Northern Cheyenne Tribe and its members and the eastern boundary of the Reservation was extended to the middle of the Tongue River. When these additional lands were reserved for Indian use, the waters in, on and adjacent to the said lands were withdrawn from private appropriation as against the United

States and reserved for the use of the Northern Cheyenne Tribe and its members.

IX.

By the treaty with the Crow Tribe, August 4, 1825, the treaty of Fort Laramie, September 17, 1851, 11 Stat. 749, 2 Kappler 594, and the treaty of May 7, 1868, 15 Stat. 649, 650-651, the United States set aside a large tract of land now within south central Montana as a reservation for the Crow Tribe of Indians and its members. By the Act of April 11, 1882, 22 Stat. 42, 43, and the Act of March 3, 1891, 26 Stat. 989, 1040, the Crow Reservation was diminished to its present size. When these lands were reserved for the use of the Crow Indians the waters in, on and adjacent to said lands were withdrawn from private appropriation as against the United States and reserved for use of the Crow Tribe and its members.

X.

The United States, in its own right and as a fiduciary for the Crow Tribe and its members, claims rights in and to the use of the waters of the Rosebud Creek and the Tongue River in, on or adjacent to those lands on the Crow Reservation including surface, ground and underground waters within the watershed of Rosebud Creek and the Tongue River which were unappropriated on September 17, 1851, and which are or will become reasonably necessary for the present and future needs of the Indians in fulfillment of the purposes for which the reservation was created. Such purposes include municipal and domestic use, irrigation, stock watering and full utilization

of the reservation and its resources for the benefit of the Crow Indians.

XI.

The United States in its own right and as a fiduciary for the Northern Cheyenne Tribe and its members claims rights in and to the use of the waters of Rosebud Creek and waters tributary thereto located in, on or adjacent to the Northern Cheyenne Reservation including surface, ground and underground waters which were unappropriated on November 26, 1884, and which are or will become reasonably necessary for the present and future needs of the Northern Cheyenne Tribe or its members in fulfillment of the purposes for which the reservation was created. Such purposes include municipal and domestic use, irrigation, stock watering and full utilization of the reservation and its resources for the benefit of the Northern Cheyenne Indians.

XII.

The United States in its own right and as a fiduciary for the Northern Cheyenne Tribe and its members claims rights in and to the use of the waters of the Tongue River and waters tributary thereto located in, on or adjacent to said reservation in the State of Montana, including surface, ground and underground waters which were unappropriated on March 19, 1900, and which are or will become reasonably necessary for the present and future needs of the Indians in fulfillment of the purposes for which the reservation was created. Such purposes include municipal and domestic use, irrigation and stock watering and full utilization of the reservation and its

resources for the benefit of the Northern Cheyenne Indians.

XIII.

By Presidential Proclamation dated March 2, 1907, 34 Stat. 3305, that portion of Custer National Forest within the watershed of the Tongue River in the State of Montana was withdrawn from the public domain and reserved for national forest purposes. When these lands were reserved for national forest purposes, the waters in, on and adjacent to said lands were withdrawn from private appropriation as against the United States and were reserved for use on said lands by the United States to the extent reasonably necessary for the requirements and purposes of said reservation.

XIV.

The United States claims rights in and to the use of so much of the water's tributary to the Tongue River in the State of Montana in, on or adjacent to the Custer National Forest including surface, ground and underground waters as are or may become reasonably necessary for fulfillment of the purposes of the said reservation with a priority date of March 2, 1907.

XV.

Pursuant to Public Law No. 90 of April 15, 1924, 43 Stat. 99, the Livestock Experiment Station was established by the Department of Agriculture on lands which had been part of Keogh Military Reservation and then transferred to the Department of the Interior as part of the public domain. Approximately 15,000 acres of the lands of this

experiment station are within the Tongue River watershed. The Tongue River runs along one boundary of the Livestock Experiment Station. When these lands were reserved and set aside for the Livestock Experiment Station the waters in, on, under and adjacent to said lands were reserved and withdrawn from private appropriation as against the United States. The United States claims a right to the use of the waters in, on and adjacent to these lands in such amounts as are or will become reasonably necessary for the present and future needs of the Experiment Station in fulfillment of the purposes for which it was established with a priority date of April 15, 1924.

XVI.

The defendants and each of them claim rights in or rights to the use of the waters of Rosebud Creek and/or the waters of the Tongue River in the State of Montana, which rights are adverse to and jeopardizes the rights of the United States and the Crow and Northern Cheyenne Tribes and their members.

WHEREFORE, plaintiff prays that:

1. Each and all of the defendants be required to appear before this court and set forth fully their claims in and to the use of the waters of Rosebud Creek and its tributaries of the Tongue River and its tributaries within the State of Montana.

2. That the court determine and decree that the United States as a fiduciary holds for the benefit of the Crow Tribe of Indians and its members' rights to the use of so much of the waters of Rosebud Creek and Tongue River and waters tributary thereto in, on or adjacent to

the Crow Reservation as is or may become reasonably necessary for the needs of the said Crow Tribe of Indians and its members in fulfillment of the purposes for which the reservation was created and that such right be declared to have a priority date of September 17, 1851.

3. That the court determine and decree that the United States as a fiduciary holds for the benefit of the Northern Cheyenne Tribe of Indians and its members' rights to the use of so much of the waters of Rosebud Creek and waters tributary thereto located in, on or adjacent to the Northern Cheyenne Reservation as are or may become reasonably necessary for the needs of the said Northern Cheyenne Tribe of Indians and its members in fulfillment of the purposes for which the reservation was created and that said rights be declared to have a priority date of November 26, 1884.

4. That the court determine and decree that the United States as a fiduciary holds for the benefit of the Northern Cheyenne Tribe of Indians and its members' rights to the use of so much of the waters of the Tongue River and waters tributary thereto in the State of Montana located in, on or adjacent to the Northern Cheyenne Reservation as is or may become reasonably necessary for the needs of the said Northern Cheyenne Tribe and its members in fulfillment of the purposes for which the reservation was created and that said rights be declared to have a priority date of March 19, 1900.

5. That the court determine and decree that the United States has the right to the use of so much of the water's tributary to the Tongue River in, on or adjacent to the Custer National Forest as are or may become rea-

sonably necessary for national forest purposes with a priority date of March 2, 1907.

6. That the court determine and decree that the United States has the right to the use of so much of the waters of the Tongue River and waters tributary thereto in, on or adjacent to lands of the Livestock Experiment Station within the watershed of the Tongue River as are or will become reasonably necessary to fulfill the purposes for which the Livestock Experiment Station was established with a priority date of April 15, 1924.

7. That the court enter its order enjoining all of the diversions and uses of the waters adjudicated herein except in accordance with the rights and priorities as set forth in the court's decree.

8. That the court enter such further orders and decrees as may be just and proper for an adjudication of the parties' rights to the use of the waters adjudicated herein.

OTIS L. PACKWOOD
United States Attorney

/s/ WILLIAM H. BURCHETTE
Attorney, Department of Justice
Washington, D. C. 20530

FIRST AMENDED COMPLAINT OF THE NORTHERN CHEYENNE TRIBE,

Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation v. Adsit, et al., United States District Court, Montana, CV-75-6-Blg. (filed 8/14/75)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

NO. CV-75-6-Blg.

The Northern Cheyenne Tribe of the
Northern Cheyenne Indian Reservation,

Plaintiff,

v.

(Group I)

Thomas Ralph ADSIT; Michael E. & Marion Fern Anderson; Philip C. Anderson; Bar 69 Cattle Company; Big Horn County; Boyce Inc.; Charles Phillip & Helen Berdine Buckley; Rocco & Mary Carbone; Charlene P. Carlat; Charles F. & Frances N. Conley; Arlo & Lavon Conner; Ellen E. Cotton; Cox Ranch Company; Evelyn H. Davis; Robert E. & Eula B. Ebeling; Carrie & Alexander B. Elder; Willis W. & Maudie M. Elder; C. J. & Kathleen Ellis; Claris W. & Ednis M. Foss; Elsie R. Fox; Charles P. & Elsie A. Freels; Mary Roush Gregory; Clyde & Clara Hall; Frank D. & Rino Harvey; Charles E. & Lucie Lee Helvey; George B. & Dixie L. Holmes; Don W. & Duane D. Hoover; Richard S. & Lorraine Hosford; Ruth Jordan; Kendrick Cattle Company; Frances M. Shively Kevern; Jean A. Kimmel; Harold Trustee Kirkemo; Robert A. & Evelyn M. Lee; Mary E. Lloyd; Mibra E. Lloyd; Trilby B. & Robert W. Lott; James P. & Audrey A. McCarthy; Martin & Thomas Inc.; Harry M. Mefford; Cox Ranch Inc.; Louis & Helen Menegas; Elve Marie Moorhouse; James D. Muller; Simon & Winnifred E. Muller; Theodore Muller; Emmett & Vada L. Munson; D. D. &

Bernice Musgrave; William R. Musgrave; Cecil Myers; Frances Caroline Parker; William H. & Bettie M. Parkis; Paul Paulson; Charles V. & Gregg H. Penson; Charles V. & Irene B. Penson; Preston & Stewart O. Petre; Joseph M. & Almeda B. Pierce; Stanley D. & Margaret P. Pilch; A. Haydon & Nancy Porter; Harvey A. & Fra Porter; Powell Cattle Company; Range Telephone Coop., Inc.; Mary Josephine Reavis; Roman Catholic Bishop Off.; William H. Rugg; Joseph Ruzicka; John Schaak; Dan Schaar; Harry H. Schreibeis; Dan S. Scott; Homer Scott; Paul & Agnes Sikora; Vernon J. States; Calvin H. & Frances B. Stevens; Marcus H. & Nancy P. Stevens; Robert A. & Lyla M. Stout; Jess Thomas; Jess W. & Helen Porter Thomas; Lawrence & Marlyn Thomas; Cullen R. & Jane T. Thompson; Sigurd Thompson; Sophie Thompson; Tongue River Water Users Assn.; Caluet Trusler; Edward John Wallop; Wm. O. & Goldie E. Williams; Laura Wilson, Trustee; John Young; Larue Young; Mary Young; Catherine Mefford:

(Group II)

Irving N. & Carolyn W. Alderson, Jr.;

Verna S. Baker; John D. & V. Fletcher Ball; Bones Brothers Ranch, Inc.; Boyce, Inc.; Donald H. & Frances Brewster; Brown Cattle Company; Willie B. Brown; Harold N. & Anne T. Bull; Earl E. Bundy; D. E. Burch; Wayne Burnsides Estate; Clarence C. Chapman; Leslie E. & Shirley S. Coates; Ralph & Dorothy Conley; Cornwell Land & Livestock Co.; Bud & Mildred Curran; Edward E. & Mary B. Daniels; Jack Dodds; J. E. & Ruth Alberta Mann Dodds; John E. Dodds; Elsie M. & James B. Dunning; Victor A. & Violet East; Robert E. & Eula Ebeling; Elmer Fjell; Mable C. Flowers; William R. Flowers; Gene Philbrick Fulmer; Genie May & Russell Garfield; General Conference of Menonites of N. A.; James E. & Sally W. Gilliland; Kirk Green; Michael Green; Greenleaf Land & Livestock Co.; Mrs. Chauncy Groom Est.; Helen D. Hamilton; Edward M. Hanson; Patsy Brey Harris; Blanch Hart; Hubert Harwood; Don W. & Duane D. Hoover; Barker & Collins; W. B. & Mar-

garet A. Howard; H. L. Hunt; Kendrick Cattle Company; Albert Knobloch; Jack Knobloch; Knobloch Bros.; Carl U. & Katherine Lenyard; H. D. McCuistian; Clifford & Elizabeth Mitzkus; Mobley Ranch Corp.; Wilson W. & Mary B. Moreland; Nance Cattle Co.; Alice Rebecca Orr; Mary Jane Ostrom; Donald R. Martin; Jay F. & Idalene Owen; Helen C. Parsons; Josephine Pegram; Anna Paulson Peterson; Racine Peterson; Preston & Stuart O. Petre; Glynn & Laverne O. Pugh; Quarter Circle U Ranch Co.; Edmund Randolph; Rocker Six Cattle Co.; Robert G. Schaudel; Boyd & Marian E. Shaver; Larry H. & Dorothy R. Smith; Albert C. & Alice M. Snodgrass; Nancy P. & Marcus Stevens; Cleatus G. & Geraldine L. Stevenson; Olaf & Mildred Thompson; Sophia M. Thompson; Toryus Thompson; Virginia E. Tranel; W. C. & Jacqueline Trusler; Woodrow W. Trusler; Trusler, Inc.; Christine S. Valentine; Lillian Viall; Herbert T. & Inez Wagner; L. Watson;

(Group III)

Glada Abel; Allen Cattle Company; C. M. Allen & Son, Inc.; E. O. & Edna Allen; Gertrude Atkinson; Willis F. Aye; George P. Barber; Katherine Barnard; A. K. Bastian Stock Co., Inc.; Harold W. & Anna M. Bird; Julia A. Bird; Evelyn W. Bartholomew; E. D. Block; Boyd C. Blum; Gertrude Blum; Margaret Blum; Wm. Bly; Bobbys, Williams, Plunkett, et al.; Earl E. Bundy; Eva Bumgardner; Charles Bumgardner; George Bumgardner; Del Carey; Carey Land & Livestock Co., Inc.; N. Carey, Inc.; Marjorie Irene Carpenter; Richard W. & Betty F. Chezum; C. E. & Dorie Lou Colvin; Kaherine E. Copenhaver, Trustee; Vernon Cotton; Bud & Mildred Curran; Fred & Minnie Dahlman; Judith Damm; W. M. & Mary Lou Davis; Gladys L. Deibel; Joe S. & Delores L. Dent; Ricki J. Dent; Deming Doak; Carl A. Dodge; Lewis C. & Florence Dorr; Iva M. Durand; Morton M. Durand; Lula F. Ellis; The Failings, Inc.; Eugene Fessler; John L. Flowers Estate; Ralph Forman; Vern & Marilyn Fortune; Thomas Furness; Berthold J. Frankl; Giesecke Brothers; Richard W. Giesecke; W. Ralph Giesecke;

Ruskin & Ruth Mary Golden; Charles N. & Velna L. Goss; Rudolph C. & May Isabel Gramm; L. J. Green & Sons, Inc.; Neal L. Gresens; Neal & Irene Gresens; Mabel Hedlund; Helen D. Hamilton; Delbert Hanson; Hardy Land & Livestock Co., Inc.; Robert F. Hardy, Trustee; Frank Harman Estate; Hubert & Lucille Ann Harwood; Willard & Albina Heaps; Arla M. Heller; Fred Hitzfeld Estate; Beulah M. & Robert C. Hoagland; Theodore B. Hogg; Lewis Carl Holland; Howard L. & Emma Mae Holman; Newton A. & Bessie Carey Holowell; Horizon Equipment Company; Dora Hout; Loren C. & Margie Hubbard; C. Max & Faye M. Hughes; Scott & Grace Hughes; H. L. Hunt; Raymond F. Hunt; Roscoe Hunt; Richard A. Hutchinson; Betty R. Janson; Ray Jerrel, Inc.; Anna Johnson; Charles A. & Helen M. Jones; Jones Land & Livestock Company; J. Russell & Helen Kelley; Joseph J. & Pearl M. Kiel, Jr.; Rose Klausner; Dacosta Livestock Company; Lame Deer Ranch Company; C. H. Leach; Alfred L. & Maxine C. Leatherberry; Bonnie M. Lee; John Lockie Ranch Inc.; Wallace W. & Helen A. Lockie; Lockie Livestock Company; Doris Lukes Love Estate; Thomas A. & Bonnie Rea Ballow Lowe; Chas. A. & Marjorie R. Mallet; Charles H. & Nellie Marklund; Earl R. Martin; James R. & Catherine Gibb Mathis; Margaret Elizabeth McLean; Hugh C. McFarland; Lynn McFarland; Mickey & Marcia McFarland; Wm. C. McFarland; Joe McGuire; Sally E. McKee; Braco McLean; Coleman & Shirley Meyer; James W. & Marilyn A. Mickels; Mill Iron Ranch Inc.; Gladys B. Miller; Jessie J. Miller W. A. Mitchell; Montana Conference Association of Seventh Day Adventists; Hugo & Cecelia R. Muggli; W. D. Murray; Arlo D. Nansel; Ruth M. Nansel; Wm. & Lorene Nefsy; Adah E. (Sapp) Nethercutt; Robert E. & Maxine A. Nixon; Velma Norman; A. G. Norman; Frank W. & Ann Nuxoll; J. Donald Ochsner; Jay D. Ochsner; J. Donald & Fern A. Ochsner; Ochsner's Inc.; Emil & Marie Olander; J. Bruce & Dezzie M. Orcutt; Lila Pauley; Robert & LaVerne Pauly; Anna M. Peterson; Allen N. & Shirley D. Peterson; Elizabeth B. Phillips; Lucile M. Polly; Perkins Ranch Inc.; Clarence L. & Pearl F. Preller; Pyle Inc.; M. E. Radke; Richard Radke; Jack Radke;

John F. & Lois J. Ramage; Sydney L. Ramer; Floyd W. Robinson & Sons; Rogers Ranch Inc.; Orville B. Ronning; Rooney's Inc.; Anna C. Rumph; Donald F. Russell; R. J. & Mabel S. Saddler; Walter M. & Eilene Schaefer; Theodore & Mary Ida Schlepp; Ray & Marie Schmidt; Willibald & Frieda Schmidt; George & Marjorie Severson; H. G. Sheets; Glen E. & Laurel J. Shock; Robert J. & Ann M. Shy; Milton C. Simpson; Earl B. Snyder; Betty Lou Soukup; Mary E. Sowers; Elsie J. Sparks; Laura Tullis Spickerman; Don Stanley; Raymond L. Stanley; Star Printing Co. Inc.; Statewide Stations Inc.; Donald T. Sterling; Daley Sterling; Marian D. Stokes; Frank F. & Patricia Stoltz; Opel M. Stone; Herbert C. & Ileen Storey; George Straugh; Laverne & Louis Strub; Jack A. & Wanda J. Swope; Jean E. Tennant; Terrett Ranch; Leslie A. Thompson; Anne B. Thasher; John Todoroff; Tongue & Yellowstone Irrigation Dist.; Catherine Tonn; Armond Tonn; Helder D. Tonn; Marcus J. Tonn; Town & Country Club; Jesse & Fern Trainer; T-Triangle Ranches, Inc.; Gladys M. Troxel; David B. & Patricia M. Turner; Rafael & Frances Vera; Monica Van Elsen; George E. & Ella Fay Waddell; Carl W. Wagner, Jr.; Wagon Rod Ranch, Inc.; Odette F. Walden; Ervin A. Waldie; Hugh Lloyd Watson; Lloyd Ronald Watson; Larry & Irene Webster; Vincent & Thelma B. Welch; Ed Wellems; John Wellems; Wesley & Evelyn Wells; George W. Whitbeck; A. C. & Ruth Wendelburg; Catherine H. Willson; Leon H. & Marian Willson, Jr.; Carl E. & Frida Wilson; Dorothy Winkley; George E. & Ethel Winkley; Malcom D. & Beth J. Winter, Jr.; Genevieve Witcher; John F. Witcher; Lawrence & Mildred Wohlgenant; Perry C. Witcher; Charles Wood Ranch, Inc.; Katherine Yamada; Kenneth E. & Beverly J. Younglund; Max & Walter Zimmer; Thomas F. & Isabel Zook; Evelyn Waite;

(Group IV)

Burlington-Northern, Inc.; Cal Gas-Broadus; Canyon Creek Cattle Company; Consolidation Coal Company; Continental Oil Company; Decker Coal Company; Eastmont Forest Products, Inc.; Robert E. & Eula B. Ebeling;

Gulf Oil Corporation; Richard S. & Lorraine Hosford; Hunt Oil Co.; Montana Water Storage Company; Pacific Power & Light Company; Peabody Coal Co.; Willis S. & Bonita S. Perkins; Leroy Scrutchfield; Tongue River Electric Cooperative, Inc.; Union Oil Company; Water Reserve Company of Montana;

(Group V)

Albert Brown, Jr.; Canyon Creek Cattle Company; Consolidation Coal Company; Denver Properties, Inc.; Robert E. & Eula Ebeling; Flying V Cattle Co.; Shirley Haley; James S. & Lois J. Hamilton; James S. Hamilton, Jr.; Raymond Holmes; Barker & Collins; Jones Bros. Livestock Co.; Kenneth A. Kane; Millers Inc.; Padlock Ranch Company; Jim Pierce; George Pitman; Province of St. Joseph of The Capuchin Order; Roman Catholic Bishop of Great Falls; Richard Rowland; St. Labre Mission; Walter J. & Shirley H. Taylor;

(Group VI)

Thomas Ralph Adsit; Mary Ann Alexander; Michael E. & Marion Fern Anderson; Davidson Cattle Company, Inc.; Victor A. & Violet J. East; Faddis Kennedy Cattle Co.; Thomas & Dwight Ferguson; Nancy Brooks Gentry; Nancy Ruth & Johnnie Gentry; Nancy Yonkee Gentry; Golder Ranch Inc.; George J. & Jo Annette Hammond; Frank D. & Rino Harvey; Charles E. & Lucie Lee Helvey; Laura E. Helvey; Richard S. & Lorraine Hosford; Irwin G. & Ralph M. Hults; B. Torrey & Adrienne Johnson; Dorothy Mae (Williams) Johnson; Jones Bros. Livestock Co.; Hugh O. Jones; Ruth Jordan; J. R. Porter Kennedy; Robert S. Kennedy; Millers Inc.; Walter Miller, Jr.; Jack E. Murray; Ida Pease; Charles V. & Gregg H. Penson; Burke & Yvonne Peterson; Range Telephone Coop., Inc.; Lillian Yarlott Rockman; William H. Rugg; John Schaak; Dan Schaar; Scott Land & Livestock Company; Homer A. Scott; Charles & Patsy Secrest; Mary C. & Glenn H. Sheeley; Orvel Jines; Edward John Wallop; Westwood Cattle Co.; John Young; Larue Young; Mary Young;

(Group VII)

Ashenhurst Ranch, Inc.; James N. Bailey; Donald P. & Connie Bailey; John L. Bailey; Bernice Batey; Harriet Batey; O. K. & Sarah Beebe; Jean Cloy Braley; Broadus, Inc.; Margaret C. Broadus; Vennie Lane Brooke; Lee E. & Birdena A. Cartwright; B. D. Clark; Walter & Ethelda E. Clark; George O. & Fern L. Coates; Leslie E. & Shirley S. Coates; Cornwell Land & Livestock Co.; Joe W. & Helen E. Curran; Davidson Cattle Co.; Brown Cattle Company; Geo. & Verdie Davidson; Walter B. Dean, Jr.; J. E. & Ruth Alberta Mann Dodds; Elsie M. & James B. Dunning; Eastgate; Minnie R. Egan; Egan Ranch, Inc.; Farley's, Inc.; Hugo W. & Hedwig M. Fritz; Gene Philbrick Fulmer; Genie May & Russell Garfield; Louis & Gorden D. Gets; Nick Golder; Golder Ranch, Inc.; Greenleaf Land & Livestock Co.; Helen D. Hamilton; Carolyn D. Hanft; Richard F. & Alice Hanna; Harstad, Inc.; John O. & Eleanor A. Harstad; Blanch Hart; R. S. & Yvonne M. Harvey; Haughian Livestock Co.; Howard & Son, Inc.; Erna & Duane Ingle; Tony & Ellen Knowis; Roger G. & Sherry T. Ladson; Francis H. & Jean A. Lange; P. D. Langohr; Henry Larsen; Larsen Ranch, Inc.; Dora Mees; Phyllis A. Mees; Lavon Mees, Trustee; Jessie I. Neilsen Estate; Nine H Six Ranch Co.; Andrew Pattison; Charles Finley Parking; D. L. Perry; Rita R. & Newell G. Philbrick; George Welch Perry; Arthur W. & Vesta L. Polich; Marion Rash; Rocker Six Cattle Co.; Helen M. Scimaus; Josephine Schroeder; Silver Sand Estate; Stanley Sloan; Larry H. & Dorothy R. Smith; Wilbur R. Smith; Donald C. & Ethel E. Snider; James W. & Merle F. Snider; Leland Sorenson; Harold & Virginia Sprague; Jean & Hulda Sprague; Vennie Lane & Alba E. Straw; John E. Sufficool; Florence May Sweedland; Robert Bruce Trull; Vassau's Flying X Ranch; Ward, Willis, Inc.; Joseph H. Warth; Francis G. & Vera Wetherelt; Tom V. & Donna D. Wimer; Vern Wimer; Dennis Younglund; Fred W. & Anna E. Zempel; Minnie McFadden Estate;

(Group VIII)

Burlington-Northern, Inc.; Richard S. & Lorraine Hosford; Hunt Oil Co.; Montana Power Co.; John W. & Elta M. Moreland, Jr.; Peabody Coal Co.; Puget Sound Power & Light Company;

(Group IX)

James N. & Mary E. Bailey; James Bowen; Donna H. Cooley; Edwin E. Hope; Joe & Barbara Hope; Anne T. Hanks; Raymond Holmes; Jeans Fork Cattle Company; Earl Jorgenson; LSL Ranch Inc.; John W. & Elta M. Moreland, Jr.; Johnny & Stella Ann Peters; George Pitman; Richard Rowland; Nicholas & May E. Selage; Mary C. Sheeley & Co.; Glenn H. Sheely & Co.; Ruth Sink Spang; Wilma Neibuhr Spang; Spear O Ranch Company; Robert E. & William B. Swift; Walter J. & Shirley H. Taylor; Virgil Winsor; Jerome Winther; Orville Jines;

(Group X)

Alderman Co., Inc.; Allen Brothers Inc.; Harry B. Allen; Fay M. Allen; Gertie M. Allen; Howard S. & Jerry Belle Allen; Earl A. & Betty L. Aye; Kirk & Lora Badgett; Kirk G. Badgett; Wallace K. Badgett; George & Judy Badgett; Bales Ranch, Inc.; Margaret E. Bales; Walter B. Bales; Walter Keith Bales; Evelyn V. Bartholomew; James Edward Bartram, Jr.; Dale V. & Marie Benge; Flossie S. Benge; Milton E. Benge; Dale V. Benge; David A. Bliss; Wm. Bly; Al Breckenridge; Alpha Mae Breckenridge; George Kenneth Breckenridge; Bug Ranch Co., Inc.; Anne Thex & Harold N. Bull; Gary E. Bull; Calvin H. & Joy Butts; Bessie May Cain; Gladys Cain; Mike B. & Wreatha Cain; Oscar Donald Cain; Louis J. & Penny L. Capra; L. T. & J. Maude Carlat; Ralph Carlat; Alice Choate; Combs Ranch Inc.; Charles F. Conley; Frances N. Conley; Devisees of Charles R.

Conley; Eltha Muriel Coykendall; Harold M. Crocker; Harold M. & Roberta M. Crocker; Iva Crocker; D. H. Dalzell; Clair & May E. Darrah; August & Mary V. Decker; Gladys I. Diebel; Virginia M. Dice; Double H Ranch, Inc.; C. A. Dudley; Gretchen C. Dunning; Sidney Lee & Doris Lee Dunning; Sidney F. Dunning; Mrs. Leota Dunning; E B Ranch; Harry R. & Phoebe Ann Finlayson; Gladys I. Fletcher; Fern Franklin; Ruth Fowler Estate; Gus & Helena Freestad; F. T. Y. Ranch Company; Andrew & Barbara Gaskill; Charles F. & Ila M. Gaskill; Martha M. & Ray Gaskill; Ray & Wanda Gaskill; Sara Thex Gaskill; Wm. A. & Martha A. Gaskill; John Gold Estate; Addie M. & Horace F. Goodwin; Margaret Goodwin; Kirk & Michael Green; L. J. Green & Sons, Inc.; Russell E. & Carol S. Greenwood; Andrew A. Gulbranson Estate; Robert R. & Sally Hagedorn; Wayne Hagedorn; Dorothy Marie Hagen; Ole G. Hagen Estate; Elva M. Hahnkamp; Anthony Hanic; Delbert Hanson; Perry & Florence Hanson; Eldon D. Harris; Marvin L. Harris; Hayden & Ahern; Zane Hepp; John P. Holm; Duane D. & Don W. Hoover; Joe E. & Barbara L. Hope; Robert L. & Ingeborg R. Howard; Richard A. & Dorothy Hutchison; Allyn & Flora Isaacs; Billie G. Janssen; John M. Janssen; Lewis C. & Helen Janssen; Wm. M. & Hallie Janssen; Kendrick Cattle Company; Lorena M. & Lars E. Knudson; Lars E. & Billie Knudson; Knudson Ranch Co., Inc.; Arthur & John Kolka; Kolka Cattle Company; Mary Dufford Korbe; Chas. H. Kraft; Daniel R. Kraft; John A. & Vera L. Kueffer; James E. & Jeanette L. Lei; Lei, Oral, Ranch Inc.; Pierre V. Leveque; Pierre V. Levique; Mary P. Levique; Evangeline M. Levique; Mary E. Lloyd; Mibra E. Lloyd; Maxine Lovec; Lyle & Elizabeth Lockwood; Conrad J. & Elenora M. Losinski; Marguerite H. Lowry; Charles Curtis & Elynor Luckuck; Edith M. Luther; Ray Mann Estate; Bob Marosok; Frank Marosok; Robert A. Marosok; Frank Marasok; Harold & Mary Ann McCullough; William J. & Isabel McFadden; McIntosh, Harriman, Montana Interest; Junior Pyrl Melville; Merchant, Dallas & Son, Inc.; Dora Merchant; Jo-

sephine R. Miller; Pete & June L. Minow; Elmer Charles Moody; L. C. Morgan; E. S. Morgan; Alice Mae & Willis D. Morris; Ola Lue Newcomer; Louis R. & Rita Nichols; Patrick Raymond Nichols; Frank W. Nuxoll; Ann Nuxoll; Walter Nuxoll; Ann Nuxoll; Donald Ottesen; Norman & Laura Ottesen; Jay F. & Idalene Owen; Hazel P. Palmer; William Wallace Palmer; Pauline M. Peterson; H. I. & Ruth Phillips; Carl P. & Patricia A. Phillips; James C. & Rose Marie Phillips, Jr.; John Willard & Nell Ilee Popp; Powder River Lodge; Gerald T. & Geneva Powers; Robert Thomas Powers; Robert T. & Jennie A. Powers; Eva L. Presnell; Quay Ratliff; Clyne Ratliff Estate; Anna F. Sneeth Reavis; Robert K. Rhea; Signa Woods Rice; Leroy & Joyce Riley; Eileen Morris; Hugh Rooney; Clara M. Rooney; Lewis H. Rooney; Larry R. Rooney; Anna Rohwedder, Heirs; Victor R. & Judy Ann Rue; Jan & John Wilbur Rukavina; Voyle & Virginia Samuelson; Robert & Ruth Samuelson; Herbert Allen & Vera Jean Schiller; John H. & Agatha Schoonover; Evallyce Shatzer; Mae R. Shy; George Porter & Eva Rose Shy; Milton Simpson; Alice J. Smith; Carl M. Smith & Sons Inc.; Carl W. Smith; Joe S. Smith; George D. & Patricia Smith, Jr.; Garold D. Spire; Alvin & Josephine Steadman; Donald T. & Daisy B. Sterling; U. B. & Emma A. Sterling; Dorothy H. Stevens; Harold H. Stevens; Keith & Doris Stevens; Marcus H. & Nancy P. Stevens; Gertrude Howes Storm; Daniel H. Tartar; Julian Terrentt, Jr., Trustee; Terrett Ranch Inc.; Calvin & Alice Thex; Clifford & Josephine Thex; Lucille A. Thompson; Coyne C. Tibbets; Bryan M. Tucker; John H. Tucker; Trusler, Inc.; L. D. & Adeline Trusler; William C. Trusler; W. C. & Jacqueline Trusler; William Wallace; William Glenn & Carol Bull Wash; Hugh Lloyd Watson; David Winston & Ruth V. Watt; John & Elsie A. Wegner; Harry Weinberg; Royal A. Whitcher; John L. & Ethel H. Whitham; L. R. Wiechman; Wiltse Cattle Company; Eugene & Mae Wood; Merle E. & Frances M. Wood; Elvy M. Woods; Joseph J. Yager; Lloyd Ronald Watson;

(Group XI)

State of Montana;

Defendants.

FIRST AMENDED COMPLAINT OF THE NORTHERN CHEYENNE TRIBE

JURISDICTION

This is an action to quiet title to water rights, and for other relief. The claim arises under the Treaty of the United States with the Cheyenne and others on September 17, 1851, at Fort Laramie; under the Treaty of the United States with the Northern Cheyenne and Northern Arapahoe Tribes of May 10, 1868, at Fort Laramie; under various other treaties and agreements entered into between the Cheyennes and the United States; under the Executive Orders of November 26, 1884, and March 19, 1900; under the Constitution of the United States; and under other applicable laws, treaties and Executive Orders. This court has original jurisdiction over this action under 28 U. S. C. § 1362.

PLAINTIFF

Plaintiff Northern Cheyenne Indian Tribe is a federally recognized Indian tribe situated upon the Northern Cheyenne Indian Reservation in southeastern Montana. The Reservation is within this Division of the Montana District. The Tribal Council of the Northern Cheyenne Tribe is the duly elected governing body of the Northern Cheyenne Tribe and the Northern Cheyenne Indian Reservation, was recognized by the Secretary of the Interior pursuant to the Act of June 18, 1934, and is empowered to bring this suit.

DEFENDANTS

The defendants are persons or entities using, seeking to make use of, owning, having an interest in, or otherwise claiming water rights on—The Tongue River, Rosebud Creek or their tributaries, in this judicial district. The waters in which plaintiff seeks to quiet title are located in this district and all defendants have sufficient claims or interests in those waters to vest this court with jurisdiction. The majority of the defendants reside in this district. All corporate defendants and other associations are either organized in or do business in this district. Various of the individual defendants are husband and wife, and hold their interests or claimed interests as marital entities under applicable local law.

FACTS

The Tongue River originates in Wyoming and flows northeasterly through Montana before emptying into the Yellowstone River near Miles City, Montana. The Tongue forms the eastern boundary of the Northern Cheyenne Indian Reservation. Rosebud Creek originates in Montana a few miles south of the Reservation, flows north and then northeasterly through the western portion of the Reservation and continues until it empties in the Yellowstone River a few miles downstream from Forsyth, Montana. The Rosebud and Tongue stream systems are the major surface water resources available to the Northern Cheyenne Indian Reservation.

The Northern Cheyenne Indian Reservation was set aside, from a much larger area of previous habitation, as the permanent home and abiding place of the Northern

Cheyenne people. The Reservation is arid and dependent upon the flow of the Tongue River and Rosebud Creek. To meet the present and future needs of the Reservation, a substantial portion of the flow of these streams, and of their tributaries, is required for domestic, municipal stock water, agricultural, industrial, environmental, and aesthetic uses, as well as other uses. These uses will increase as the Reservation is developed and the Northern Cheyenne Tribe becomes an increasingly self-sufficient and economically viable community.

RESERVED WATER RIGHTS

There has been reserved, in connection with the various treaties, executives orders, and other laws under which this action arises, for the Northern Cheyenne Tribe residing on the Northern Cheyenne Indian Reservation, the right to the use of sufficient water from the Rosebud and Tongue stream systems to meet all of the present and future needs of the Northern Cheyenne Indian Reservation, with a priority from time immemorial or at least as early as September 17, 1851. All other rights in these stream systems are subordinate to that Indian water right.

The Northern Cheyenne Tribe is presently engaged in planning and development which are dependent upon an assured supply of water. But the amount of water available in the Tongue and Rosebud stream systems has been reduced and will be further reduced by actions of the various defendants as demands for water within those systems increase. There is not, at the present time, sufficient water available during critical periods in the Tongue and Rosebud systems to meet all the present and

foreseeable needs of the Tribe and at the same time meet the claims of the various defendants. For this reason, it is essential that the court decree and adjudicate the water rights of the Northern Cheyenne Tribe in the Tongue River system and the Rosebud Creek system, as well as the rights of other users with respect thereto.

WHEREFORE, the Northern Cheyenne Tribe respectfully prays this court:

(1) To declare and quiet title in the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation to the rights to the use of all water in the Tongue River, Rosebud Creek, and their tributary systems with a priority from time immemorial or at least as early as September 17, 1851, and in amounts sufficient to meet the needs of the Northern Cheyenne Tribe and the Northern Cheyenne Indian Reservation for all purposes, including domestic, municipal, stock water, agricultural, industrial, environmental, and aesthetic uses, as well as other uses;

(2) For attorneys fees and costs;

(3) And to provide such other and further relief, including equitable relief, as is deemed necessary and proper.

DATED this 14th day of August, 1975.

ZIONTZ, PIRTLE, MORISSET,
ERNSTOFF & CHESTNUT

By /s/ Russell W. Busch
Russell W. Busch

600 First Avenue
Seattle, Washington 98104

and

LELAND POND
/s/ Leland Pond

P. O. Box 242
Lame Deer, Montana 59043

AMENDED COMPLAINT OF UNITED STATES,
United States v. Big Horn Low Line Canal, et al.,
United States District Court, Montana, CV-75-34-Blg.
(filed 8/29/75)

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

Civil No. CV-75-34-Blg

United States of America,

Plaintiff,

vs.

Big Horn Low Line Canal; Adams, Earl; Anderson, John; Anderson, Marlene B.; Anderson, Roy; Baker, Robert; Ballard, Ethel; Ballard, Lyle; Barnes, Gary; Barnes, Marie; Belles, Pauline; Bennett, Mrs. Joseph; Bighorn Tullock Project; Bonine Ranch Company; Bourgeois, Margaret M.; Bowler, John G.; Brauer, Lauretta; Bugonovich, Anton; Bugonovich, George; Burlington Northern, Tax Dept.; Cantrell, Alice Irene; Cantrell, William P.; Capra, Marguerite Jean; Carrington, C. G.; Cass, Forrest; Coleman, Lee L.; Criswell, Leslie; Criswell Ranch Company; Cunningham's, Inc.; Davidson Cat-

tle Company; DeCock, Gary; DeCock, Margaret; DeCock, Virginia; Dept. of State Lands; Deveny Farms, Inc.; Donnes, Adeline; Donnes, Frank; Door Key Ranch; Durden, Pat; Farley, Boyd; Ferguson, Gerald; Flatt, H. S.; Foote, Anne Magdalen; Foote, M. Gordon; French, N. A.; Fuller Ranch Company; Garverich, Michael; Garverich, Montana; Geurkink, Beatrice; Gilreath, Donna Belle; Gilreath, G. Kenneth; Goedert, Clarence; Goodale, Dorothy R.; Hammond, Lester; Hayes, Clarence; Haynie, Patrick; Hays & Sons Land & Livestock, Inc.; Hays Land & Livestock, Inc.; Helgeson, Georgene; Hope, Alice; Hope, Rich; Hope, Walter; Howard & Sons, Inc.; Hubbard, Mrs. Paul; Hukill, Walter; Ickes, C. C.; Icopini, Anna; Kendrick Cattle Company; Kolb Brothers Corp.; Kolb, Clara; Kolb, O. A.; Lackey, D. E.; Lackey, Dora; Lande, Bernadine; Lee, O. E. & Company; McCormick, Robert E.; Mackley, Edna; Manning, Bradbrock; Manning, Verhelst; Miller, Clyde; Miller, Delbert; Miller, Lucille; Miller, Robert; Movius, Louise; Newman, Daryl; Newman, Edna; Newman, Kathleen; Nichols, Millard S.; Nix Ranch; O'Connell, James; Patterson, Gary; Patterson, Pamela; Pedder, Colin; Pedder, Mariell; Pentilla, Alice; Perrin, Dorothy; Petersen, Grace S.; Ponessa, Angela Mary; Redding, Coil, Jr.; Redding, Mabel; Roan, John; Romine, Angeline; Romine, J. D.; Sand, Pamela; Shau, Gertrude; Smith, Lois Doyl; Spannagel, Eli; Spannagel, Nina; Sullivan, Bernadette; Sullivan, Humphrey; Switzer, H. D.; Switzer, R. G.; Switzer, S. M.; Tadsen, Henry J.; Thompson, John C.; Timm, Esther; Verhelst, Ed; Warren, Edmund; Willson, Evelyn; Willson, Virgil; Wilson, Archie & Sons, Inc.; Wilson, Archie Lee; Wilson, Archie O.; Wilson, Darlene; Wilson Land & Cattle Company; Wilson, Ruth; Wolfe, Ellen T.; Zent Farms, Inc.;

Adolph, Albert J.; Adolph, Lilly; Allison, B. C.; Althoff, Mary; Anita Angus Ranch; Avent, Alden; Avent, Richard; Banderob, Charles A.; Banderob, Elizabeth G.; Banderob, F. C.; Banderob, Frank C.; Banderob, Lucy B.; Banderob, Marion L.; Banderob, William D.; Barkemeyer, Ralph; Barkemeyer, Ralph W.; Barrett, Janaan A.; Becker Land & Livestock, Inc.; Bekel, Adam; Bekel,

Marie; Bender Farms; Bender, Gus; Bender, Gus H.; Bender, Joseph E.; Bender, Norine; Bender, Rudolph R.; Bender, Walter D.; Berg, Irving; Berg, Jean A. Bergman, Janet B.; Billingsley, Pat; Billingsley Rock Creek Ranch, Inc.; Billingsley, Wavel; Bishop, Louis; Bishop, Lydia M.; B-L Realty, Inc.; Blair, Arden F.; Blair, Gloria D.; Blake, Georgia H.; Bohl, Ada C.; Bohl, George; Bradstreet, Donald D.; Bradstreet, Florence M.; Bruski, Velma E.; Bruski, Victor C.; Burchett, Glen E.; Burchett, Huberta M.; Burkel, Barbara; Buyse, Marie; Byxbe, Minnie; Byxbe, Minnie O.; Byxbe, Wilbert; Byxbe, Wilbert W.; Chappell, Carole J.; Chappell, John Jr.; Collins, Mary; Collins, Stanley E.; Commercial Investment Co.; Coop, Douglas; Cooper, Dema L.; Cooper Ranch, Inc.; Cormier Brothers, Inc.; Cormier Farming Co.; Crawford, Doris Ann; Crawford, Madge; Crawford, Madge S.; Crawford, William R.; Cross, Lt. Col. Haywood K.; Darkenwald, S. A.; Darkenwald, Ursula; Daum, Irma M.; Daum, William V.; Davison, William H.; Derry, Craig; Derry, Vickie A.; D K Hereford Ranch, Inc.; Dvorak, Doran J.; Dvorak, Karen L.; Emerald Hills Development Co.; Equall, Lyle E.; Fallin, Hattie G.; Farley's, Inc.; Felton, Charles; Felton, Charles E.; Felton, Lucille; Finley, Charles; Finley, Gordon E.; Finley, Kenneth; Finley, Mary E.; Fly, D. L.; Fraser, Carmen M.; Fraser, Carol R.; Fraser Land & Livestock Co., Inc.; Fraser, Robert B., Jr.; Fraser, Rosabelle V.; Gallup, Deborah D.; Gillison, Marjorie; Gilreath, Kenneth T.; Glaser, Fern R.; Glaser, Norman R.; Goick, E. George; Goick, Wanda J.; Good, Elvina Marie; Good, Palmer W.; Green, Leona E.; Greeno, Gerald; Hamilton Ranch; Hansen, Hans C.; Harold, Lee; Hartley, Ora A.; Helfrick, Mary; Herren, Joe; Herren, Opal G.; Hjelmervik, Kenneth; Hoehne, Mary G.; Holly Sugar Corp.; Householder, Irene; Householder, Russel R.; Hunnes, Catherine O.; Huntington, E.; Huntington, Lois I.; Imel, James E.; Imel, Wilma A.; Jimco Construction Co., Inc.; Johnson, Florence O.; Johnson, O. H.; Johnson, Victor A.; Joines, L. R.; Jones, Frances Ellen; Jones, Mary Frances; Jones, Mike C., Josephson, Harriet J.; Judd, Lawrence H.; Judd, Steven J.; Junkert, Frieda;

Junkert, Rheiny; Kampfe, D. Frank; Kampfe, Helen M.; Keebler, Betty C.; Keebler, H. Allen; Keebler, Joseph D.; Kempf Land & Livestock Co.; Kern, Margaret E.; Kern, Wilbur W.; Kerns, Kenneth D.; Kershner, Alene L.; Kershner, Fletcher A.; Knight, Earle; Knight, Hazel S.; Korber, Clifford W.; Korber, Eileene J.; Kramer, Solomon; Kramer, Violet R.; Kramer, Violet Rose; Kratochvil, George; Kratochvil, Thelma M.; Kratochvil, Viola C.; Kratochvil, W. James; Krkosa, Clem; Krkosa, John W.; Krkosa, William; Kukowski, Charles E.; Kukowski, Raymond E.; Kuntz, Helen; Kuntz, Jerome; Kuntz, Phillip M.; Kuntz, Regina C.; Kurth, Sidney P.; Kurth, Sue F.; Kurth, Victoria A.; Lande, Dorothea B.; Lechner, James F.; Lee, Donald R.; Leischner, Bernice A.; Leischner, C. T.; Lindeen, Alvin; Lindeen, Carol Sue; Lindeen, David B.; Lindeen, John D.; Lindeen, Phyllis; Lindeen, Phyllis J.; Lindeen, Phyllis Jean; Lindeen, Ruby; Lindeen, Ruby O.; Link, Vesta J.; Litton, Joyce V.; Litton, Ronald W.; Locke, Charles S.; Locke, Wanda R.; Logan, Gretchen V.; Lowe, Lynn H.; Lowe, Robert E.; McIntyre, Leala J.; Mahan, Sam; Mahan, Sam M.; Michaud, Ira L.; Michaud, Nettie M.; Midland National Bank Trustee; Mikelson, Irenne; Mikelson, R. A.; Milam, Ada F.; Miller, Ethel S.; Miller, Joseph H.; Morris, Donald; Mottram, Geraldine R.; Newman, Roy D.; Northwestern Mortgage Co.; Oatey, Arthur J.; Oatey, Rose A.; Oblander, George J.; Ortmayer, Hildred E.; Ortmayer, Mark L.; Osmundson, Howard B.; Osmundson, Judith M.; Osness, Mert; Paquette, Gardena; Parde, LaVerne; Pearlie Lee & Co.; Pederson, Oleta T.; Peterson, Burke; Plowman, Mary K.; Ponessa, Joe; Ponessa, Joe R., Jr.; Prindle, Donald E.; Prindle, Violet E.; Pryor Land Company; Raines, Leona E.; Roberts, A. S.; Roberts, Frances E.; Roberts, Grace P.; Roberts, Paul R.; Roberts, R. Rex; Roberts, Victor R.; Rogers, G. J.; Roods, Darlyne L.; Roods, Eva May; Roods, Louis R.; Roods, Mildred J.; Roods, Robert; Roods, Robert, Jr.; Roods, Susan R.; Rosell, Antoinette; Rosell, Earl; Ruff, Eleanor; Ruff, James; Ruff, Joseph H.; Ruff, Lillian; St. John, Dora; Schaak, Daniel; Schaak, Lawrence; Schaak, Lawrence L.; Schaak, L. L.; Schaak, William; Schodt, Madelene C.; Schulte, Barbara E.; Scott, John R., Jr.;

Settlemier, Icel B.; Sharon, E. R.; Sharon, Gladys D.; Shaules, D. K.; Shaules, Frances V.; Shaw, W. T., Jr.; Siewert, Arthur E.; Siewert, Bennie E.; Siewert, Margaretha H.; Siewert, Walter; Simmons, Ralph; Sjostrom, Hilda I.; Sjostrom, Lars J.; Sjostrom, Leo G.; Sjostrom, Sadie L.; Small, R. Dale; Stark, Donald G.; Stark, Floyd D.; Stark, Keta; State Department of Lands; Stephenson, Ella Mae; Stephenson, Herb D.; Stratford, John H.; Stratford, Mary M.; Streets, Ben L.; Streets, Birdie L.; Swihart, Charles R.; Thompson Realty Co.; Thornton, Mildred W.; Thornton, Royal J.; Trask Cattle Co.; Trask, Margaret J.; Vale Creek Ranch, Inc.; Vandal, Henry J.; Vandal, Mary Louise; Vermandel, Eldon; Vermandel, Ernest E.; Vermandel, Hazel; Vermandel, Inez; Vermandel, Julia; Vermandel, Julia J.; Vermandel, Lee; Vermandel, Major; Victory Ditch; Walker, James E.; Walker, Viola; Walker, Virginia B.; Walter, Clarence L.; Walton, Marion L.; Walton, William H.; Ware, Marshall; Weinzetl, Julian; Weinzetl, Magdalena R.; Wilson, Laurence A.; Wilson, Rachel; Ziegler, E. L.; Ziegler, Viola M.;

Aldrich, Harold; Aldrich, L. R., Jr.; Aldrich, Ruth; Barry, Lillyan Audrey; Becker, A. J.; Besancon, Virginia; Big Horn Calcium; Bighorn Limestone Co.; Bruins, Arnold A.; Bucher, Emma S.; Bunting, Lydia Babe; Burleson, Frank V.; Campbell, Pearl; Carpenter, Charles E.; Carpenter, James M.; Cloud, Clara L.; Crosby, Ethel, Trustee; Crosby, Rodney, Trustee; Crosby, Rodney W.; Dabney, Barry; Dudik, John; Dudik, Lois; Elton, Shirley Irene; Elton, Virgil F.; Englehardt, R. W.; Fellows, Patricia B.; Fellows, Walter M.; Freund, Katherine; Glueckert, George W.; Glueckert, Mary M.; Gray, Mary R.; Gray, Roy C.; Greenough, Doris K.; Greenough, Frank; Griffin, Frank; Hansen, Reva F.; Hayden, Gaylord J.; Hilary, Harvey; Hopkins, William B.; Johnson, Edith Anderson; Krueger, Celia Gordon; Krueger, Herman F.; Lawson, H. H.; Lawson, J. A.; Lee, Albert F.; Lewis, Croft M.; Lewis, Evelyn; Lewis, Mark; Linskey, Martha H.; Loyning, B. P., Inc.; Lund, Betty June; Lund, Roger Paul; McBride, Mary; McBride, Thomas; McCulloch, Frank E., Sr.; Matzen, Bill A.; Matzen, John C.; Miller,

Helen G.; Munro, Thelma; Newmont Resources Corporation; Parker, Clarence A.; Parker, Fern; Parrot Lodge No. 308, A. F. & A. M.; Plunkett, J. P.; Rule, Robert C.; Rule, Vinita P.; Schwend, Albert; Schwend, Albert G.; Sessions, Eileen H.; Sessions, Orlo J.; Snell, Ivan W.; Snell, Roy A.; Snyder, Ella A.; Tibbetts, Lyman; Tillett, Bessie F.; Timmins, Nellie H.; Timmins, Richard H.; Tippetts, Eugene; Tippetts, Ivan E.; Tippets, Melba N.; Ungherine & Genzberger; Verran, Hilda M.; Vukelich, Mike M., Trustee; Weaver, Mary; Weaver, Mary E.; Weaver, Paul; Wylie, Nethery Ann; Wyman, Wayne A.;

Abell, Caroline; Abell, Robert L.; Adams, Lilly M.; Adler, Jake; Alexander, Mary Ann; Almen, Ann; American Baptist H. M. Soc.; Ames, Ivan; Ames, Ivan E.; Ames, Laurine; Ames, Orby; Anderson, Carl; Anderson, Harold; Anderson, Harry; Anderson, Helen Spalinger; Anderson, Henry; Aquarius, Inc.; Arndt, Carlyle K.; Arndt, Elaine; Astle, Edwin P.; Atkins, Lyle; Atkins, Lyle W.; Atkins, Russell; Atkins, Virginia; Atkins, W. Lyle; Avery, Charles W.; Bailey, Connie; Bailey, Donald Patrick; Bainter, Marie; Baker, K. Florence; Ball, Calvin J.; Ballensky, A. J., Co.; Barber, Catheryn; Barber, John; Barber, John W.; Bassett, Iris S.; Bassett, Joe S.; Bastrom, Floyd; Bastrom, Larry L.; Bastrom, Linda; Bastrom, Sharla S.; Bauman, Earl William; Bauman, Margaret Elizabeth; Baxa, John; Baxke, Patrick A.; Beard, George; Beary, Bonnie W.; Beck, Clarence; Beck, Henry; Beck, Theresa; Bell, Donald E.; Bell, Dorothy M.; Bell, Ellen Marie; Bell, Jack L.; Bentley, Dorine V.; Benzel, Jane; Benzel, John; Benzel, Harold; Benzel, Ruth I.; B. E. Ranching Company; Berland, Inga; Berland, Sverre; Besel, John; Besel, Mary; Biggs, C. A.; Big Horn County; Big Horn Co. Cemetery Dist. No. 1; Big Horn Co. Cemetery Dist. No. 2; Bird, Arthur Gayl; Bird, Ora L.; Blackman; Jessie Fearis; Blair, Mary Lou; Blair, William J., Jr.; Blake, Henry S., Jr.; Blalack, Joan; Bomar, Edward; Bomar, LaVerne; Bounous, C. C.; Bounous, Chester; Bounous, Ramola J.; Bowman, John A.; Bowman, Martha A.; Boyce, Inc.; Boyd, Donna Jean; Boyd, Phillip Lee; Boyd, Phillips Lee; Braaton, Alvin A.; Braaton, Frances C.; Bridges,

Henrietta; Bridges, Shirley; Brown Cattle Company; Brown, Charles Henry; Brown, Ida J., Heirs of; Brown, Florence J.; Brown, Harriet C.; Brown, Harriett C.; Brown, J. C.; Brown, Murry J.; Brown, Murry J., Jr.; Brown, Murry, Jr.; Brown, Ralph E.; Bureau of Catholic Indian Missions; Burla, Rickard F.; Burlington Northern, Inc.; Burnham, Ada L.; Burnham, C. W.; Burnham, Charles William; Burnham, R. R.; Burnham, Rulon Rex; Burnham, Rulon Rex, Sr.; Bush, Lillian M.; Butler, Chester; Butler, Frank R.; Butler, June H.; Butler, Minnie; Byrnes, Emma; Byrnes, James; Cady, Bruce M.; Cady, Dorothy V.; Calvetti, Andrew A.; Calvetti, Gladys; Campbell Farming Corporation; Campbell, R. A.; Carlson Ranch Company; Carlton, Pete W.; Carlton, Sheila M.; Carpenter, Earl W.; Carpenter, Violet R.; Carper, Elizabeth; Carper, Lloyd D.; Carter, Charlotte M.; Cass, Forrest L.; Catholic Bishop of Great Falls; Challender, Julia; Chang, James Jacob; Chauvin, Christine; Chauvin, Joe H.; Chavez, Evelyn Ann; Chavez, Frederick; Christensen, Claude H.; Christensen, Richard C.; Circle R Enterprises, Inc.; Clave, Alfred O.; Clawson, Dorothy; Clawson, Evin; Clawson, John O.; C.M.&W. Livestock Co., Inc.; Cole, Everett E.; Cole, Marjorie B.; Colstad, Bessie L.; Conner, Clara A.; Conner, Jack B.; Conner Realty Corp.; Cool, Ruth; Cordray, Melvin; Cordray, Milton; Corkins, Helen J.; Corkins, William E.; Cox, Audie May; Crandall, Glenn Raymond; Criswell, Lucia T.; Croghan, R. D. Development; Crosby, Ethel; Crosby, Ethel Lewis; Crosby, Rodney L.; Crosby, Rodney, Sr.; Cross, H. D.; Crow Indian Baptist Association; Crowley, Katherine; Crum, George B.; Cummings, Helen E.; Curran, Catherine A.; Curran, Ralph Charles; Curry, Fern; Curry, W. A.; Davis, Ella May; Davis, Lula Ann; Dean, George; Deines, Harry; Deines, Helen; Delp, Donna T.; Delp, Jack D.; DeMarcus, Cecil A., Trustee; Deneen, Helen; Deneen, Morgan; Denius, Grace E.; Denius, Himer R.; Denius, Homer R., Jr.; Denny, Gertrude D.; Denny, Sam E.; Devore, Frances J.; Devore, Gordon L.; Dewald, Jacob, Sr.; Dewald, Katherine; Dewald, Mollie; Dinsdale, Alfred E.; Dinsdale, Betty; Dionne, Lorine; Dockery, Katherine; Dockery, Le-

roy; Doerr, Emil; Dooley, D. Jay; Dooley, James H.; Dorn, George; Dorn, Henry, Sr.; Dorn, Martha; Downs, Gladys; Downs, Robert; Downs, Robert F.; Dringman, Frances G.; Dringman, Otto V.; Dudis, Dorothy; Dudis, John; Duffield, Walter; Dvorak, Lydia; Dyckman, Cecil; Dygert, Clyde J.; Dygert, Leone; Dygert, Leone C.; Eagle Land Company; Easton, Elmer W.; Easton, Minnie B.; Eckroy, Goldie M.; Eckroy, Goldie Mary; Eggart, Helen; Egnew, Charles; Egnew, D. L.; Elhard, August; Ellis, Ervin D.; Ellis, Ethel I.; Ellis, Etta C.; Ellis, Gerald H.; Enzminger, Leroy; Enzminger, Leroy R.; Enzminger, Marvin; Ericson, C. F., Mrs.; Eshleman, Emerson; Eshleman, Mary N.; Eshleman, Robert H.; Esp, Alta; Esp, Alva D., Esp, Donald; Esp, Donald O.; Esp, Donna; Esp, Henry L.; Esp, Henry R.; Evans, Gertrude Eckhardt; Evans, Milton N.; Faddis-Kennedy Cattle Company; Farman, Margaret; Farman, Paul; Faught, James; Faught, James J.; Faught, Jess B.; Faught, Luella; Faught, Myrtle; Faught, Myrtle E.; Faw, Lenora F.; Featherstone, Robert P.; Feeder Supply Corp.; Fellows, Charles E.; Fellows, Heather W.; Fellows, Mary; Fellows, Walter; Field, J. P.; Finlayson, Malcolm H.; Finlayson, Robert D.; Fisher, Agnes; Fisher, Helen S.; Fisher, Richard Stevens; Fisher, Roger Courtland; Fisk, Clare; Fitzgerald, Edna M.; Fitzgerald, Genevieve N.; Fitzgerald, James, Jr.; Fitzgerald, Jay; Flack, Philip; Flowers, Vernon L.; Fly, George R.; Fly, Sarah; Flying V Cattle Co.; Fort Custer Golf Club, Inc.; Fowler, John Elisha; Fowler, Muriel F.; Fox, Alex; Fox, Betty J.; Fox, Donald D.; Fox, Larry K.; Fox, Luella J.; Fox, Martha; French, Lester W.; French, Nelda; Frickel, Henry, Jr.; Frickel, Mabel; Frickle, Henry, Jr. No. 4; Frost, Edna Komers; Fuller, David B.; Fuller, Lawrence S., Jr.; G. & R. Construction; Garney, Adell; Gentry, James E.; Gentry, Johnnie; Gentry, Nancy Ruth; Gentry, Nancy Yonkee; Gibson, Helen F.; Gibson, John B.; Gibson, Lowell C.; Gibson, Lucy B.; Gibson, William K.; Goffena, Vincent; Golder Ranch, Inc.; Graham, Carroll A.; Graham, Laverne C.; Graham, Nelleyvette; Graham, Ruth; Graham, W. J. B.; Graham, W. S.; Graham, William S.; Grebe, Henry L.; Grebe, Robert L.; Green,

Clarence C.; Greenwald, Alice; Greenwalt, Irene; Greenwalt, Robert J.; Greenwalt, Roy; Gregory, Frank; Gregory, John R.; Gregory, Mary R.; Gregory, Richard Alan; Gregory, Ruth; Grinsteiner, Betty L.; Grinsteiner, John M.; Grinsteiner, Robert T.; Grinsteiner, Velma L.; Grocer's Realty Corp.; Gross, Frank; Gustafson, Alpha; Gustafson, Glen T.; Haberthier, W. L.; Hager, Carla J.; Hager, Everett L.; Hall, Frank; Halverson, Dorcas M.; Halverson, Gordon E.; Hamilton, Gladys M.; Hamilton, Herman L.; Hammon, George J.; Hannen, Kenneth; Hansen, Charles; Hansen, Harry; Hansen, John; Hansen, Raymond; Hardin, City of; Hardin Meat Market; Hardt, Henry; Hardt, Maxine; Hardy, Fern A.; Harlin, Robert F.; Harlin, Sharon J.; Harmon, Anita M.; Harmon, Leo W.; Harris, Afton I.; Harris, Amelia; Harris, Elva I.; Harris, Frank D.; Harris, Gilbert; Harris, LaVaune; Harris, Philip R.; Hartung, Katherine; Hartung, Robert; Havener, Lydia; Havener, Walter D.; Hawker, Virginia Vesely; Hawks, Clyde, Inc.; Hawks, Clyde L.; Hawks, Dolly O.; Heitzman, Arlene M.; Heitzman, Larry G.; Heitzman, Walter; Held, Virginia L.; Held, Virginia Lee Winters; Herman, Albert W.; Herman, Allen Dale; Herman, Doris; Herman, E. F.; Herman, Lyda E.; Heth, Bonnie Lee; Heth, Martin Robert; Hibbs, R. F.; Hiber, Jenny Tuggle; Hibnes, Barbara Marie; Hibnes, William Virgil; Hoffman, Margaret Alice; Holbert, Wendel I.; Holland, A. E.; Holland, Cecil Y.; Holland, Mildred; Hope, Barbara; Hope, Barbara L.; Hope, Carl B.; Hope, Joe; Hope, Joe E.; Hovland, Richard B.; Howard, Mildred A.; Howard, Richard A.; Hubbell, Rex; Hunt, N. B.; Hussey, Wylma; Imer, Betty J.; Imer, Richard L.; Jabs, Mary; Jackson, Glen F.; James, Mart V.; James, Shirley C.; Jeans Fork Cattle Co.; Jeffers, Hale C.; Jeffers, Judith M.; Jeffers, Justine E.; Jeffers, Terry E.; Jeffers, W. Scott; Jeffers, Winfield W.; Jenkins, Ellen G.; Jeppesen, Helen L.; Jessring, C. T.; Jessup, A. E.; John, Kenneth F.; John, Madge Lucille; John, Madge R.; Johnson, Dorothy Mae (Williams); Jolley, H. L.; Jolley, M. A.; Jones, C. W.; Jones, Mary K.; Jones, William P.; Juell Ottun, Inc.; Kaiser, Anna Mehling; Kaiser, Arthur L.; Kaiser, Cecilia

B.; Kaiser, Vern N.; Kan Sun Cattle Feeders, Inc.; Kane, Blanche; Kane, Charles; Kane, Charles P.; Kane, Lillian; Keeler, Clarence J.; Keeler, Selina N.; Kehler, Esther; Kehler, Mary E.; Kehler, Richard; Kehler, Richard L., Jr.; Kehler, Richard, Sr.; Keller, Benny; Keller, Eileen; Kelley, Edmund; Kelley, Ruth; Kelly, Jean M.; Kemph, Erna R.; Kemph, Joe O.; Kendrick, Manville; Kendrick, Rosa Maye; Kennedy, J. R. Porter; Kennedy, John P.; Kennedy, Robert S.; Kenneth, Jean; Kenney, Joyce Holland; Kenney, Stephen; Kenney, Stephen J.; Keres, Arthur; Kerker, Sophie Ann; Kern, Delores Jean; Kern, Lawrence L.; Kern, Mary J.; Kern, Rubert Wayne; Kern, William H.; Kerns, Harriet Dana; Kerns, Margaret; Khurum Lodge of Perfection, A. & A. S. R.; Kiefel, Jack; Kincaid, Anna; Kincaid, John; King, Ada L.; King, Frank; King, Norma; Kjeldgaan, Daniel; Kjeldgaan, Ena; Kjeldgaan, Robert J.; Kline, John; Kline, Madge; Knowles, Aubrey; Knowles, Gladys E.; Knowles Land Company; Koch, Herman; Koch, Herman J.; Koch, Mary Kathryn; Koch, Patricia J.; Koch, Rudolph; Koebbe Construction; Koebbe, Joe V.; Koebbe, Lawrence; Koerber, G. William; Kopac, Ed; Kopac, Minnie M. Watt; Koyama Farms, Inc. Kreitzberg, Dean E.; Kreitzberg, Venita; Krieg, Frederick C.; Krieg, Lottie J.; Krone, Porter R.; Kronmiller, L. H.; Kukes, Esther; Kukes, Jean Ann; Kukes, John; Kukes, Robert L.; Kurtz, Ray E.; Lackenmeier, Arlene M.; Lackenmeier, Lloyd; Lackman Farming Corporation; Lahti, Ervi Armas; Lammers, Grace D.; Lance Corporation; Lande, Wilma; Laubach, Frank; Laughrey, Alberta G.; Laughrey, Alberta Gayle; Laughrey, Arthur Lee; Laughrey, Jack; Lawrence, Eddie F.; Lawrence, John; Lawrence, John D., Jr.; Lawrence, John D., Sr.; Lawrence, Maxine; Layton, Lonnie; Lee, Aaron; Lee, Naomi; Lehman, Lloyd A.; Lemon, James M., Jr.; Lemon, Janet A.; Lemon, Tempe B.; Lennon, Arthur G.; Levin, Hazel A.; Lewis, C. A., Jr.; Libby, Margaret Seaton; Liebling, Norman R.; Lincoln Realty Company; Lind, Carl; Lind, Dolly; Lind, Dolly Dean; Lind, Esther; Lind, Fred; Lind, John; Lind, Regina; Lind, William, Jr.; Lindley, Helen Thorne; Lipp, Fred M.; Lloyd, Margene West; Loaney, Lorraine; Loan-

ey, S. M.; Longacre, Ora; Ludrick, Clifford L.; Ludrick, Irma; Luther, Delores E.; Luther, George E.; Luther, John; Luther, John, Jr.; Luther, Joseph T.; Luther, Nancy C.; Luther, Stella; Lynde, Eleanor; Lynde, Myron; MacClean Ranch; McGowan, James T.; McGovern, Francis M.; McGovern, John J.; Maack, Ava E.; Maack, Ernest; Maack, Gustav F.; Maack, Keosa; Macer, Edward K., Estate; Macer, Edward K., Heirs of; Maher, Albert; Maher, Jeanette; Manolis, Speros; Marsheim, Robert L.; Marsheim, Shirley R.; Martinsen, Mary; Martinsen, Roy; Marx, Adelaide M.; Marx, George C.; Marx, George Charles; May, Albert, Estate; May, Charles; May, Virginia; Meckel, Clara L.; Medicine Hoop Ranch, Inc.; Mehling, Bobby Lee; Mehling, Darlene; Mehling, Esther; Mehling, John; Mehling, John D.; Mehling, Marilyn; Melville, Myrtle; Melville, Vernard; Meserva, Dorothy L.; Metcalf, Ralph H.; Metcalfe, Ralph; Metcalfe, Wilma; Metcalfe, Wilma M.; Mill, Gus C.; Mill Iron Cattle Co.; Mill, Sharon L.; Mill, Thomas J.; Mill, Veta M.; Miller, Edna Mae; Miller, Edwin A.; Miller, George C.; Miller, Glen; Miller, Harry H.; Miller, Katie Y., Estate; Miller, Lawrance E.; Miller, Lucille; Miller, Margie L.; Miller, Shirley Ann; Miller, Vela Mary; Miller, Walter, Jr.; Miller, William Earl; Millers, Inc.; Montana-Canadian Resources, Inc.; Montana Livestock Production Credit; Moore, C. D.; Moore, Carl; Moore, Carl W.; Moore, Dora; Moos, August; Moos, Delia; Moots, Carl; Morissette, Dorothy; Morissette, Ray; Moritz, Philip; Morrison, Columbia J.; Morrison, Joseph E.; Moss, Harry I.; Moyer, Ethelynne; Moyer, Howard; Munter, Casey S.; Munter, Inger; Munter, Leonard F.; Murdock, Allene; Murdock, Ellis; Murdock, Fern Allene; Murdock, Wayne; Murphy, Esther; Murphy, Marian; Murphy, Martin; Nayematsu Bros., Inc.; Nayematsu, Ethel; Nayematsu, Kay; Nayematsu, Kimi; Nayematsu, Roy; Nayematsu, Yasuo; Nayematsu, Yugo; Nayes, C. A.; Nayes, Chester A., Jr.; Nayes, Mildred E.; Naylor, Bertha; Neal, Melvin C.; Nedens, Edward; Nedens, Henry; Nedens, Margaret; Nedens, Nancy L.; Nelson, Ernest L.; Nelson, Kathleen K.; Nelson, Robert P.; Nepper, Laura; Neville, Evelin; Neville, Keith J.; New, Pete; Newhold,

Frank; Newman, Guilford; Noblett, Irene; Noblett, John; Noblett, Lillian; Nollar, Addie C.; Noyes, Chrystal; Oakley, H.; Oakley, Ida I.; Obie, Donald L.; Obie, Janis L.; Obie, Richard G.; O'Brien, Agnes R.; O'Brien, Leonard M.; O'Brien, Leonard (MPCA); O'Brien, Ruth E.; Ohmstede, Daryl D.; Ohmstede, K. Ann; Olds, Pearl; Olenik, Andrea M.; Oliver, Faith E.; Olson, Letha; Orantes, Edna M.; Orchowski, Donald G.; Osness, Dale; Osness, David A.; Osness, Dorris; Osness, Erling; Osness, Mert A.; Osness, Rose; Ottun, Esther L.; Ottun, Geraldine; Ottun, Raymond St. Clair; Overturf, Clemince W.; Overturf, Marilyn R.; Overturf, Roger C.; Padlock Ranch Co.; Park Dale, Inc.; Patterson, Goldie O.; Patterson Land & Livestock Co.; Patterson, Walter J.; Pattyn, Cyriel; Pattyn, Joyce; Pattyn, Letty; Pattyn, Pete; Paulson, Elmer M.; Pease, Virgie; Pegram, Hazel; Pegram, Vern; Perkoski, Lois; Peters, Gladys A.; Peters, Joe; Peters, Pauline; Petersen, Burke; Petersen, Yvonne; Peterson, Darrell L.; Peterson, Myrtle; Peterson, Myrtle E.; Peterson, Nancy; Peterson, R. E.; Peterson, Russell; Petros, Rosie; Phelps, Paul Sumner; Pilkington, Donald G.; Pilkington, Elizabeth H. G.; Ping, J. J.; Pitsch, Arthur W.; Pitsch, Connie A.; Pitsch, David L.; Pitsch, Harvey Lee; Pitsch, Ida; Pitsch, Irvin; Pitsch, Lavone Marie; Pitsch, Mary Ann; Pitsch, Mary Elaine; Pitsch, Pete; Pitsch, Peter; Pitsch, Peter, Jr.; Pitsch, Reuben; Pitsch, Reuben C.; Pitsch, Robert S.; Pitsch, Sarah; Pitsch, Wilma; Pope Ranch; Powers, Budoin E.; Powers, Ira B.; Powers, Nellie M.; Price, David N.; Price, Joy; Quigley, Bernie C.; Raglands, Inc.; Rasmussen, J. Phillip; Rasmussen, Vera F.; Reams, Mabel; Redding, Incorporated; Redding, Jackie L.; Redding, Vella B.; Redding, Wilma G.; Reugamer, Catherine; Reugamer, Henry S.; Reusswig, Janet; Rice, Edward S., Jr.; Richards, Ernest; Richards, Max; Richards, Max L.; Richardson, Maria; Rider, Albert; Rider, Bertha Joan; Rider, Herman; Rider, Pearl Irene; Rider, Lawrence E., Rider, Walter; Roberts, Francis E.; Rogers, Inc.; Rogers, Mary Melvina; Rogers, Willard J.; Rokita, John J.; Rokita, Wanda; Roman Catholic Bishop; Roman Catholic Bishop of Great Falls; Romine, Alberta R.; Romine, Betty;

Romine, James; Rotten Grass Cattle Co.; R U Land & Livestock Co.; Russell, E. A., deceased; Russell, George C.; Russell, Lola K.; Salveson, Cathy Lee; Salveson, Ira Burdette; Salveson, Robert A.; Sand, John; Sand, Pamela Lane; Sand, Pamela R.; Sauer, Earl H.; Saunders, Patricia A.; Saunders, R. B., Jr.; Schaak, Adolph Duane; Schaak, Arron; Schaak, Catherine; Schaak, Dorothy; Schaak, Reuben; Schack, Frank A.; Schaller, Blanche; Schaller, Paul; Schaller, William D.; Schanaman, Lee Roy; Schanaman, Pearl E.; Schissler, Jerry; Schissler, Joan; Schissler, Lenice; Schmidt, Chris; Schmidt, Fred; Schmidt, Maxine; Schnad, Erwin H.; Schnad, Wilma D.; Schneider, Agnes; Schneider, Alex; Schneider, Gayle; Schneider, Fred; Schneider, Henry; Schneider, Henry, Jr.; Schneider, Johnny; Schneider, Lydia; Schneider, Olinda; Schneider, Ruth; School District No. 2; School District No. 16; School District No. 17; School District No. 27; School District No. 29; Schreiner, Mary Seinner; Schreiner, William W.; Schultz, Dorothea; Schultz, Jake; Schwend Ranch; Scott, Gloria June; Scott, Homer A.; Scott, John R.; Scott, John Robert, III; Scott Land & Livestock Co.; Scott, Mildred S.; Seader, Adam; Seader, Adam C.; Seader, Fred; Seader, Norma; Seader, Norma C.; Seader, Ruth; Seder, Betty; Seder, Henry, Jr.; Sheep Mountain Land Company; Shick, Herman L.; Shick, Lucyle; Shick, Lyle; Shirasago Farming Corporation; Shrum, Dorothy M.; Shrum, Howard A.; Sielinsky, Virginia M.; Sielinsky, Walter; Siemion, John S.; Siemion, Katie; Slater, Bert; Slater, Martha; Slattery, A. G.; Slattery, A. G., Inc.; Slattery, Avis E.; Slattery, Jane; Slattery, Mary; Smeltzer, Jennie R., Estate; Smith, Evelyn Young; Smith, Raymond M.; Smith, Robert; Snively, Alta; Snyder, Lloyd; Snyder, Lloyd V.; Soap Creek Cattle Co.; Soukup, Phil J.; Spear, Bradford J.; Spomer, Elizabeth; Spomer, Pete; Standish, Agnes E.; Standish, Dell; Standish, Marie; Stanley, Sloan; Stanton, Harold G.; Starina, A. J.; Stark, Bernice; Stark, Earl A.; Stark, John A.; Stark, Nadine; State Fish & Game Commission; State Highway Commission; State Land Board; State of Montana; Steen, Albert J.; Steen, Elizabeth; Steen, Vera Isabelle; Steinmetz, Mary P.; Stevens, Dominic O.; Stevens,

Ellen; Stevens, John; Stevens, John T.; Stevens, Sheryl M. Pease; Stimpson, Harold E.; Stimpson, Norma M.; Stobaugh, Minnie C.; Stoddard, Frank; Stovall, Elizabeth T.; Strecker, Ed; Strecker, Irene; Stricker, Elizabeth; Stricker, Esther Lydia; Stricker, Fred; Stricker, Victor; Sueda, Frank; Sullivan, Kathleen P.; Sundine, Lyle M.; Swab, Helen Pearl; Swaby, Frances Mack; Swaby, Helen Pearl; Swant, Helen N.; Sweeney, Charles E.; Sweeney, Naomi C.; Talley, Kathryne Jo (Cowling); Taylor, Dorothy M.; Ten Mile Land & Cattle Company; Therny, Irene; Thompson, Beulah; Thompson, Beulah B.; Thompson, John M.; Thompson, John S.; Thrower, Georgia; Thrower, Rex B.; Torres, Janie Vasquez; Torske, A. L.; Torske, Bernice; Torske Cattle Company; Torske, Edith; Torske Farm, Inc.; Torske, James E.; Torske, James S.; Torske, Lois B.; Torske, Lois Naylor; Torske, Lynn N.; Torske, Mary B.; Torske, Nils E.; Torske, Robert; Torske, Robert T.; Torske, Rose E.; Torske, Sterling; Torske, Walter C.; Torske, Walter Lyle; Torski, Andrew L.; Trenholme, Irene N.; Trenholme, William N.; Triangle Motor Company; Tritschler, J. A.; Tritschler, J. Andrew; Tritschler, J. Andrew, Jr.; Tritschler, Joe; Tritschler, Mary; Tritschler, Mary L.; Tuggle, Helen W.; Tuggle, John Roy; Tuggle, Lawrence; Tuggle, Lawrence R.; Tway, Pauline A.; Two Leggin Water Users Assn.; Tyler, Jocelyn J.; Tyler, Lyle B.; Tysver, Cecil; Tysver, Lora; Uffelman, Alex; Uffelman, Alex M., Jr.; Uffelman, Helen; Uffelman, Henry; Uffelman, Lydia; Uffelman, Marie; Uffelman, Ruth; Uffelman, William; University of Nebraska Foundation; Valdez, Beverly R.; Valdez, Pricilla; Valdez, Roy; Valdez, Roy, Jr.; Vale Creek Cattle Company; Van Cleve, Mary; Vandersloot, Bert; Vandersloot, Betty J.; Vandersloot, Charlie; Vandersloot, James L.; Vandersloot, Katherine; Vandersloot, Marie; Vandersloot, Pearl A.; Vandersloot, Robert C.; Van Zandt, D. L.; Wagenaar, C. E.; Wagenaar, Grace M.; Wagner, Edward; Wagner, Martha; Wagon Box Ranch, Inc.; Walborn Cattle Company; Walborn, Florence A.; Walborn, John E.; Walford, Roy; Walter, Clarence L.; Walter, George R.; Walter, Viola C.; Ward,

George D.; Ward, Laura Ann; Ward, Patricia J.; Warren, Charlene J.; Warren, Darroll; Warren, Floyd, Inc.; Warren, Grace; Warren, Harvey M.; Warren, Robert Cline; Warren, Wallace C.; Watson, William C.; Weibert, Donald Lee; Weibert, Fred; Weibert, Henry; Weibert, Henry, Jr.; Weibert, Palmer; Weinberg, Joseph J.; Weinberg, Katheryn; Weir, O. Y.; Wells, Florence M.; Wells, Florence Miller; Westmoreland Resources; Westwood Cattle Company; Westwood, Charles E.; Westwood, Florence E.; Westwood, Jack R.; Westwood Ranch Company; Wetsch, Dora O.; Wetsch, Marion D.; Whaley, Edward; Whaley, Elizabeth; Wham, Clara; Wheeler, Vera E.; Wilhelm, Edna F.; Wilhelm, Homer S.; Willcutt, William J.; Willett, Neva; Willett, Viola R.; Willett, Walter H.; Willey, Harland; Williams, Eunice V.; Williams, Frank J.; Williams, Howard E.; Williams, John A.; Williams, Leona M.; Williams, Mary Jane; Williams, Roberta F.; Wilson, Emma; Wilson, Guy; Wilson, Harry L.; Wilson, Vivian J.; Winters, Alma Bernadette; Wohlin, Evelyn; Wohlin, W. A.; Wolf, Charles E.; Wolfe, Ellen Tredway; Woodrow, Thelma; Woodruff, Jessie M.; Woody Land Company; Worden Trading Company; Wyman, Sandra T.; Yerger, Elizabeth M.; Yerger, Jake; Yonkee, Lyman; Young, C. W. (Mrs.); Zettle, Kenneth; Ziler, Lawrence R.; Zink, Charles A.; Zink, Margaret E.; Zullig, Herbert G.; Zullig, Katherine N.; Department of Natural Resources and Conservation of the State of Montana; Honorable Thomas Judge, Governor of the State of Montana; Honorable Robert Woodahl, Attorney General of the State of Montana,

Defendants.

AMENDED COMPLAINT

I.

This is a civil action in which the United States, in its own right and as a fiduciary on behalf of the Crow Tribe of Indians and its members seeks a declaration of the rights of the United States and the Crow Indians in

and to the use of the waters of the Big Horn River, the Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek, and Sarpy Creek, within the State of Montana and all tributaries thereto.

II.

The jurisdiction of this court is invoked under the provisions of Section 1345 of Title 28, United States Code.

III.

On information and belief it is alleged that the named defendants are persons or entities using or seeking to use waters of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek, Sarpy Creek and all the tributaries thereto, or are claiming rights to the use of these waters in the vicinity of the Crow Indian Reservation. Plaintiff reserves the right to amend its complaint by the addition of the names of presently unknown claimants to water rights in the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek, Sarpy Creek and all the tributaries thereto. All defendants are either residents of the State of Montana or are entities authorized and doing business in the State of Montana. The State of Montana is named as a defendant in its proprietary capacity, in its governmental capacity as the regulator of water uses under and in accordance with state law, and as parens patriae for its citizens individual, corporate and otherwise.

IV.

The Big Horn River is an interstate stream arising in northern Wyoming. It runs in a northerly direction

entering the southwestern portion of Crow Indian Reservation. Upon entering the Crow Indian Reservation, the River runs in a northeasterly direction across the entire Reservation emptying into the Yellowstone River near Bighorn, Montana.

V.

The Little Big Horn River is an interstate stream also arising in northern Wyoming. It runs in a northerly direction crossing the entire eastern one-half of the Crow Indian Reservation and empties into the Big Horn River near Hardin, Montana.

VI.

Pryor Creek arises in the northwestern portion of the Crow Indian Reservation and flows in a northeasterly direction across the Reservation emptying into the Yellowstone River near Huntley, Montana.

VII.

Sage Creek arises just west of the Custer National Forest and runs in a northerly direction onto the northwestern portion of the Crow Indian Reservation.

VIII.

Sarpy Creek arises in the northeastern portion of the Crow Indian Reservation and flows in a northerly direction emptying into the Yellowstone River near Sanders, Montana.

IX.

Tullock Creek arises in the northeastern portion of the Crow Indian Reservation and flows in a northerly direction emptying into the Yellowstone River near Bighorn, Montana.

X.

By the Treaty with the Crow Tribe, August 4, 1825, the Treaty of Fort Laramie, September 17, 1851, 11 Stat. 749, 2 Kappler 594, and the Treaty of May 7, 1868, 15 Stat. 649, 2 Kappler 1008, the United States recognized the Crow Tribe of Indians, received the Crow Tribe into the protection of the United States and set aside a large tract of land now within south central Montana as a reservation for the Crow Tribe of Indians and its members. By the Act of April 11, 1882, 22 Stat. 42, 43, and the Act of March 3, 1891, 26 Stat. 989, 1040, the Crow Reservation was diminished to its present size. When these lands were reserved for the use of the Crow Indians the waters in, on, under and adjacent to said lands were withdrawn from private appropriation as against the United States and reserved for use of the Crow Tribe and its members.

XI.

The United States, in its own right and as a fiduciary for the Crow Tribe and its members, claims rights in and to the use of the waters of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek and Sarpy Creek and the tributaries thereto, on, under or adjacent to those lands on the Crow Reservation including surface, ground and underground waters within the water-

sheds of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek and Sarpy Creek and the tributaries thereto which were unappropriated on September 17, 1851, and which are or will become reasonably necessary for the present and future needs of the Indians in fulfillment of the purposes for which the Reservation was created. Such purposes include municipal and domestic use, irrigation, stock watering and full utilization of the Reservation and its resources for the benefit of the Crow Indians.

XII.

By Presidential Proclamation dated November 6, 1906 (34 Stat. 3258), that portion of Custer National Forest appearing southwest of the Crow Indian Reservation, within the watershed of the Big Horn River in the State of Montana, was withdrawn from the public domain and reserved for national forest purposes. When these lands were reserved for national forest purposes, the waters in, on, under or adjacent to said lands were withdrawn from private appropriation as against the United States and were reserved for use on said lands by the United States to the extent reasonably necessary for the requirements and purposes of said reservation.

XIII.

The United States claims rights in and to the use of so much of the waters of the Big Horn watershed in the State of Montana, in, on, under or adjacent to the Custer National Forest including surface, ground and underground waters as are or may become reasonably necessary

for fulfillment of the purposes of said reservation with a priority date of November 6, 1906.

XIV.

By Secretarial Proclamation dated September 9, 1968, Secretary of the Interior Udall established the Pryor Mountain Wild Horse Range within the watershed of the Big Horn River in the State of Montana as part of the public domain (33 Fed. Reg. 12,920-21, 1968). When these lands were reserved and set aside for the Pryor Mountain Wild Horse Range, the waters in, on, under and adjacent to said lands were reserved and withdrawn from private appropriation as against the United States. The United States claims a right to the use of the water in, on, under and adjacent to these lands in such amounts as are or will become reasonably necessary for the present and future needs of the Pryor Mountain Wild Horse Range in fulfillment of the purposes for which it was established with a priority date of September 9, 1968.

XV.

Pursuant to Public Law No. 89-664, of October 15, 1966 (80 Stat. 913), the Big Horn Canyon National Recreation Area was established. The Big Horn Canyon National Recreation Area is within the watershed of the Big Horn River in the State of Montana. When these lands were reserved and set aside for the Big Horn Canyon National Recreation Area, the waters in, on, under and adjacent to said lands were reserved and withdrawn from private appropriation as against the United States. The United States claims a right to the use of the waters in, on, under and adjacent to these lands in such amounts as are or

will become reasonably necessary for the present and future needs of the Big Horn Canyon National Recreation Area in fulfillment of the purposes for which it was established with a priority date of October 15, 1966.

XVI.

Pursuant to the Flood Control Act of December 22, 1944 (58 Stat. 887), Congress authorized construction of the Yellowtail Unit of the Pick-Sloan Missouri River Project within the watershed of the Big Horn River in the State of Montana. As a result of such authorization, the United States claims a right to the use of the waters stored, retained, diverted and otherwise used under Section 9(a) of the Act and such other amounts of water as have been appropriated and set aside for the Yellowtail Unit of the Pick-Sloan Missouri River Project.

XVII.

The defendants and each of them claim rights in or rights to the use of the waters of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek and Sarpy Creek in the State of Montana and the tributaries thereto, which rights are adverse to and jeopardize the rights of the United States and the Crow Tribe and its members.

WHEREFORE, plaintiff prays that:

1. Each and all of the defendants be required to appear before this court and set forth fully their claims in and to the use of the waters of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Sarpy Creek

and Tullock Creek and their tributaries within the State of Montana.

2. That the Court determine and decree that the United States as a fiduciary holds for the benefit of the Crow Tribe of Indians and its members rights to the use of so much of the waters of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek, and Sarpy Creek and waters tributary thereto in, on, under or adjacent to the Crow Reservation as is or may become reasonably necessary for the needs of the said Crow Tribe of Indians and its members in fulfillment of the purposes for which the reservation was created and that such right be declared to have a priority date of September 17.

3. That the Court determine and decree that the United States has the right to the use of so much of the waters within the watershed of the Big Horn River in the State of Montana in, on, under or adjacent to the Custer National Forest as are or may become reasonably necessary for national forest purposes with a priority date of November 6, 1906.

4. That the Court determine and decree that the United States has the right to the use of so much of the water within the watershed of the Big Horn River in the State of Montana in, on, under or adjacent to the Pryor Mountain Wild Horse Range as are or may become reasonably necessary to fulfill the purposes for which the Pryor Mountain Wild Horse Range was established with a priority date of September 9, 1968.

5. That the Court determine and decree that the United States has the right to the use of so much of the waters within the watershed of the Big Horn River in the

State of Montana in, on, under or adjacent to the Big Horn Canyon National Recreation Area as are or may become reasonably necessary to fulfill the purposes for which the Big Horn Canyon National Recreation Area was established with a priority date of October 15, 1966.

6. That the Court determine and decree that the United States has the right to the use of so much of the water stored, retained, diverted and otherwise used for the Yellowtail Unit of the Pick-Sloan Missouri River Project under Section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 887) and such other amounts of water as have been appropriated and set aside for the Yellowtail Unit of the Pick-Sloan Missouri River Project.

7. That the Court enter its order enjoining all of the diversion and uses of the waters adjudicated herein except in accordance with the rights and priorities as set forth in the Court's decree.

8. That the Court enter such further orders and decrees as may be just and proper for an adjudication of the parties' rights to the use of the waters adjudicated herein.

OTIS L. PACKWOOD
United States Attorney

/s/ WILLIAM H. BURCHETTE
Attorney, Department of Justice
Washington, D. C. 20530

(Certificate of Mailing omitted in printing.)

COMPLAINT OF INTERVENOR-PLAINTIFF, CROW TRIBE, United States v. Tongue River Water Users, et al., United States District Court, Montana, CV-75-20-BLG. (case has previously been consolidated with Northern Cheyenne v. Adsit, et al., CV-75-6-Blg.) (filed 6/18/76)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

Civil No. 75-20-BLG

United States of America,
Plaintiff,

v.

Tongue River Water Users Association, et al.,
Defendants.

COMPLAINT OF INTERVENOR-PLAINTIFF, CROW TRIBE

1. Jurisdiction for this complaint in intervention is ancillary to that jurisdiction asserted by the United States in its complaint and no independent basis of jurisdiction is necessary to support this complaint in intervention. The court has such an independent basis of jurisdiction, however, pursuant to 28 U. S. C. §1362.

2. The Crow Tribe was first recognized by the United States as an independent sovereignty by the Treaty of August 4, 1825, 7 Stat. 266, when the United States sought peace and friendship with the Tribe. The United States subsequently recognized a large area of land within the present States of Montana and Wyoming

as being under the exclusive use and control of the Crow Tribe, by the Treaty of Fort Laramie of September 17, 1851, 11 Stat. 749 (II Kapp. 594, 595 and IV Kapp. 1065, 1066). By the second Treaty of Fort Laramie of May 7, 1868, 15 Stat. 649 (II Kapp. 1008), the Crow Tribe ceded vast portions of this land area, but reserved for itself the original Crow Indian Reservation, consisting of more than eight million acres. The Act of April 11, 1882, 22 Stat. 42, 43, and the Act of March 3, 1891, 26 Stat. 989, 1040, reduced the surface area of the original reservation to its present size.

3. By its treaties with the United States, the Crow Tribe reserved its paramount rights, held from time immemorial, to all the waters arising upon, flowing through, bordering on, or otherwise occurring on or beneath the surface of the Crow Indian Reservation. The Tribe's rights to the use of these waters, stemming from aboriginal ownership and reserved by treaty with the United States, are superior in time and nature to the rights of all other users, including the United States. Furthermore, the rights to these waters extend to every beneficial use to which they may be put by the Crow Tribe or its members on the Crow Reservation, including, but not limited to, agriculture, stock raising, recreation, domestic, mineral development and industrial purposes.

4. On information and belief it is alleged that the named defendants are persons or entities using or seeking to use waters of the Tongue River, Rosebud Creek, Spring Creek, Squirrel Creek, Young Creek and all the tributaries thereto, or are claiming rights to the use of these waters in the vicinity of the Crow Indian Reservation. The Crow Tribe reserves the right to amend its

complaint by the addition of the names of presently unknown claimants to water rights in the Tongue River, Rosebud Creek, Spring Creek, Squirrel Creek, Young Creek and all the tributaries thereto. All defendants are either residents of the State of Montana or are entities authorized and doing business in the State of Montana. The State of Montana is named as a defendant in its proprietary capacity, in its governmental capacity as the regulator of water uses under and in accordance with state law, and as *parens patriae* for its citizens individual, corporate and otherwise.

5. Rosebud Creek originates in the southeastern portion of the Crow Reservation. Running in an easterly direction, it leaves the Crow Reservation and then, running in a northeasterly direction, it runs across the Northern Cheyenne Reservation and enters the Yellowstone River near the town of Rosebud, Montana.

6. The Tongue River is an interstate stream arising in northern Wyoming in the Big Horn Mountains. It runs in a northeasterly direction across the southeastern portion of the State of Montana and empties into the Yellowstone River near Miles City, Montana.

7. Spring Creek, Squirrel Creek and Young Creek are intermittent streams that rise in the southeastern portion of the Crow Reservation. They flow southeasterly off the Reservation and empty into the Tongue River.

8. The defendants and each of them claim rights in or rights to the use of the waters of the Tongue River, Rosebud Creek, Spring Creek, Squirrel Creek, Young Creek and all tributaries thereto in the State of Montana,

which rights are adverse to and jeopardize the rights of the Crow Tribe and its members.

9. The United States makes the following claims, which are or may be adverse to the rights of the Crow Tribe with respect to the waters of the Crow Reservation involved in this action:

a) The portion of the Custer National Forest within the watershed of the Tongue River in the State of Montana with a claimed priority date of March 2, 1907.

b) The Livestock Experiment Station within the watershed of the Tongue River in the State of Montana with a priority date of April 15, 1924.

10. The paramount rights of the Crow Tribe to these waters have never been taken by the United States by any action including the authority by which the foregoing federal projects and reservations were established. The rights of the Crow Tribe therefore remain paramount to all claims of the United States for these or any other federal projects or reservations relating to the use of the waters of the Crow Indian Reservation.

WHEREFORE, plaintiff prays that:

1. Each and all of the defendants be required to appear before this court and set forth fully their claims in and to the use of the water of the Tongue River, Rosebud Creek, Spring Creek, Squirrel Creek, Young Creek and all the tributaries thereto within the State of Montana.

2. The United States be required to specify and set forth fully its claims in and to the use of any of the waters arising upon, flowing through, bordering or otherwise occurring on or beneath the surface of the Crow Indian Reservation.

3. That the court determine, declare and decree the rights of the Crow Tribe and its members with respect to all present and future beneficial uses of all the waters arising upon, flowing through, bordering on, or otherwise occurring on or beneath the surface of the Crow Indian Reservation, including, but not limited to, beneficial use for agriculture, stock raising, recreation, domestic, mineral development and industrial purposes, and that the Tribe's and its members' rights be declared paramount to the rights of the United States and to those of all defendants based on a priority in the Tribe from time immemorial but which shall in no case be a priority date later than September 17, 1851.

4. The decree of the court in declaring the rights of the Crow Tribe be left open so that there may be added any additional future beneficial uses to which the Crow Tribe may apply its water rights, but which were not foreseen at the time of the original decree.

5. The court enjoins defendants or the United States from all diversion and uses of the waters adjudicated herein except in accordance with the rights and priorities as set forth in the decree.

6. The court enter such further orders and decrees as may be just and proper with respect to the uses of the waters adjudicated herein.

Respectfully submitted,

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Of Counsel

(Certificate of Service omitted in printing)

COMPLAINT OF INTERVENOR-PLAINTIFF, THE CROW TRIBE, United States v. Big Horn Low Line Canal, et al., United States District Court, Montana, CV-75-34-BLG. (filed 6/18/76)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

Civil No. 75-34-BLG

United States of America,
Plaintiff,

v.

Big Horn Low Line Canal, et al.,
Defendants.

COMPLAINT OF INTERVENOR-PLAINTIFF, THE CROW TRIBE

1. Jurisdiction for this complaint in intervention is ancillary to that jurisdiction asserted by the United States in its complaint and no independent basis of jurisdiction is necessary to support this complaint in intervention. The Court has such an independent basis of jurisdiction, however, pursuant to 28 U. S. C. § 1362.

2. The Crow Tribe was first recognized by the United States as an independent sovereignty by the Treaty of August 4, 1825, 7 Stat. 266, when the United States sought peace and friendship with the Tribe. The United States subsequently recognized a large area of land within the present States of Montana and Wyoming as being under the exclusive use and control of the Crow Tribe, by the Treaty of Fort Laramie of September 17,

1851, 11 Stat. 749 (II Kapp. 594, 595 and IV Kapp, 1065, 1066). By the second Treaty of Fort Laramie of May 7, 1868, 15 Stat. 649 (II Kapp. 1008), the Crow Tribe ceded vast portions of this land area, but reserved for itself the original Crow Indian Reservation, consisting of more than eight million acres. The Act of April 11, 1882, 22 Stat. 42, 43, and the Act of March 3, 1891, 26 Stat. 989, 1040, reduced the surface area of the original reservation to its present size.

3. By its treaties with the United States, the Crow Tribe reserved its paramount rights, held from time immemorial, to all the waters arising upon, flowing through, bordering on, or otherwise occurring on or beneath the surface of the Crow Indian Reservation. The Tribe's rights with respect to these waters, stemming from aboriginal ownership and reserved by treaty with the United States, are superior in time and nature to the rights of all other users, including the United States. Furthermore, the rights to these waters extend to every beneficial use to which they may be put by the Crow Tribe or its members on the Crow Reservation, including, but not limited to, agriculture, stock raising, recreation, domestic, mineral development and industrial purposes.

4. On information and belief it is alleged that the named defendants are persons or entities using or seeking to use waters of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek, Sarpy Creek and all the tributaries thereto, or are claiming rights to the use of these waters in the vicinity of the Crow Indian Reservation. The Crow Tribe reserves the

right to amend its complaint by the addition of the names of presently unknown claimants to water rights in the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek, Sarpy Creek and all the tributaries thereto. All defendants are either residents of the State of Montana or are entities authorized and doing business in the State of Montana. The State of Montana is named as a defendant in its proprietary capacity, in its governmental capacity as the regulator of water uses under and in accordance with state law, and as *parens patriae* for its citizens individual, corporate and otherwise.

5. The Big Horn River is an interstate stream arising in northern Wyoming. It runs in a northerly direction entering the southwestern portion of Crow Indian Reservation. Upon entering the Crow Indian Reservation, the River runs in a northeasterly direction across the entire Reservation emptying into the Yellowstone River near Bighorn, Montana.

6. The Little Big Horn River is an interstate stream also arising in northern Wyoming. It runs in a northerly direction crossing the entire eastern one-half of the Crow Indian Reservation and empties into the Big Horn River near Hardin, Montana.

7. Pryor Creek arises in the northwestern portion of the Crow Indian Reservation and flows in a northeasterly direction across the Reservation emptying into the Yellowstone River near Huntley, Montana.

8. Sage Creek arises just west of the Custer National Forest and runs in a northerly direction onto the northwestern portion of the Crow Indian Reservation.

9. Sarpy Creek arises in the northeastern portion of the Crow Indian Reservation and flows in a northerly direction emptying into the Yellowstone River near Sanders, Montana.

10. Tullock Creek arises in the northeastern portion of the Crow Indian Reservation and flows in a northerly direction emptying into the Yellowstone River near Bighorn, Montana.

11. The defendants and each of them claim rights in or rights to the use of the waters of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Tullock Creek and Sarpy Creek and all the tributaries thereto in the State of Montana, which rights are adverse to and jeopardize the rights of the Crow Tribe and its members.

12. The United States makes the following claims, which are or may be adverse to the rights of the Crow Tribe with respect to the waters of the Crow Reservation involved in this action:

(a) The portion of the Custer National Forest lying southwest of the Crow Indian Reservation within the Big Horn River watershed in the State of Montana with a claimed priority date of November 6, 1906.

(b) The Pryor Mountain Wild Horse Range within the Big Horn River watershed in the State of Montana with a claimed priority date of September 9, 1968.

(c) The Big Horn Canyon National Recreation Area within the Big Horn River watershed in the State of Montana with a claimed priority date of October 15, 1966.

(d) The Yellowtail Unit of the Pick-Sloan Missouri Project within the Big Horn River watershed in the State of Montana with an unspecified priority date.

13. The paramount rights of the Crow Tribe to these waters have never been taken by any action of the United States, including the authority pursuant to which the foregoing federal projects and reservations were established. The rights of the Crow Tribe therefore remain paramount to all claims of the United States for these or any other federal projects on reservations relating to the use of the waters of the Crow Indian Reservation.

WHEREFORE, plaintiff prays that:

1. Each and all of the defendants be required to appear before this Court and set forth fully their claims in and to the use of the water of the Big Horn River, Little Big Horn River, Pryor Creek, Sage Creek, Sarpy Creek and Tullock Creek and all the tributaries thereto within the State of Montana.

2. The United States be required to specify and set forth fully its claims in and to the use of any waters of the Big Horn River or any other waters arising upon, flowing through, bordering or otherwise occurring on or beneath the surface of the Crow Indian Reservation.

3. That the Court determine, declare and decree the rights of the Crow Tribe and its members with respect to all present and future beneficial uses to all the waters arising upon, flowing through, bordering on, or otherwise occurring on or beneath the surface of the Crow Indian Reservation, including, but not limited to, beneficial use for agriculture, stock raising, recreation, domestic, mineral development and industrial purposes, and

that the Tribe's and its members' rights be declared paramount to the rights of the United States and to these of all defendants based on a priority in the Tribe from time immemorial, but which shall in no case be a priority date later than September 17, 1851.

4. The decree of the Court in declaring the rights of the Crow Tribe be left open so that there may be added any additional future beneficial uses to which the Crow Tribe may apply its water rights, but which were not foreseen at the time of the original decree.

5. The Court enjoin defendants or the United States from all diversion and uses of the waters adjudicated herein except in accordance with the rights and priorities as set forth in the decree.

6. The Court enter such further orders and decrees as may be just and proper with respect to the uses of the waters adjudicated herein.

Respectfully submitted,

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Phone: (202) 833-9800

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Midland Bank Building, Suite 502
302 Broadway Street
Billings, Montana 59101

Wilkinson, Cragun & Barker
R. Anthony Rogers

Cate, Lynaugh, Fitzgerald & Huss
Of Counsel

COMPLAINT OF UNITED STATES,
United States v. Aageson, et al., United States
District Court, Montana, CV-79-21-GF (filed 4/5/79)

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

Civil No. 79-21-GF

United States of America,

Plaintiff,

vs.

Arvin S. Aageson; Otto M. Aageson; Rosalie V. Aageson; Margaret Acher (Agent for Matheson Ditch Co.); Emery M. Adams; Ruth P. Adams; Adkins Ranch Inc.; Glen E. Aiken; Glenn E. Aiken; Ailene Aitkin; Walter Aitken; Loretta Aklestad; Loretta M. Akelstad; Lyle Aklestad; Lyle H. Aklestad; Leila R. Allen; Ralph E. Allison (Agent for North Chinook Irrig. Assoc.); Edmund E. Altenburg; Esther Agnes Altenburg; Glenna Mae Ammen; William R. Ammen; Abbie W. Anderson; Cherie F. Anderson; Clarence Anderson; F. Anderson Ranch, Inc.; Irma P. Anderson; Katherine L. Anderson; Anderson Land Co.; Leonard R. Anderson; Louisa R. Anderson; Lyle A. Anderson; Madelyn C. Anderson; Palmer E. Anderson; Ralph J. Anderson; Ralph W. Anderson; Robert L. Anderson; Robert W. Anderson; Velva Anderson; Violet J. Anderson; Virginia C. Anderson; William F. Anderson; William Ray Anderson; Wilma Anderson; Antelope Ranch Inc.; Daniel W. Archibald; Donna L. Archibald; Worth J. Armentrout; Robert F. Arndt; Hattie J. Arnold; Maurice M. Arnold; Katherin M. Aschim; Robert O. Aschim; Harry Austin; Harry Austin, Jr.; Harry Austin, Sr.; Harry E. Austin; Harry L. Austin, Sr.; Sally Austin; B LO J Farms, Inc.; BI LO JI Farms, Inc.; Earl Bahr; Fred Bahr; Betty J. Bailey;

Manson H. Bailey, Jr.; Sara Baird; Westley Baird; Helmer Bakke; Frank T. Balazic; George Baldik; Mary E. Baldik; Otto Baltrusch, Jr.; William H. Baltrusch; Bar ZT Ranch Co.; James W. Barber & Sons, Inc.; Francis Bardanouve; Eldon Barnard; Esther Barnard; Lloyd Barnard; Vincent Barnard; Vincent H. Barnard; Leo Barthelmess; Barthelmess Ranch, Inc.; Dorothy R. Barton; John H. Barton; Lois A. Bauer; John Beadle; John W. Beck; Lillian E. Beck; Beil Ranch, Inc.; Arthur O. Beirwagen; Emma P. Beirwagen; Beirwagen Farms, a Corp.; June L. Beirwagen; Louis V. Beirwagen; Ray C. Belcher; George Beldik; Mary M. Beldik; Bell Farming, Inc.; Grace S. Benbo; Mike H. Benbo; Edith L. Benson; Enever Benson; Enevev Benson; Howard Berg; Ellen Berge; Sam W. Berge; W. Inez Berge; Edwin I. Bergsagel; Aldon Bergtoll; Aldon C. Bergtoll; Leo Bergtoll; Agnes E. Berlinger; Catherine A. Berlinger; Gerald J. Berlinger; Wilfred A. Berlinger; Lloyd Bernard; Marie Aileen Bevolden; Algot H. Bergstrom; Eugene W. Bergstrom; Elmer Berkram; Bessette Ranch Co.; John Betz (for Rock Creek Canal Co.) Betz Ranch, Inc.; Barry Billingsley; Estate of C. H. Billingsley; Charles H. Billingsley; Charles H. Billingsley, Jr.; Gale Billingsley; Allen Billmayer; James Billmayer; Larry Billmayer; Mabel R. Billmayer; Nelson G. Bingham; Golden C. Birkoski; Albert Bitz; Elizabeth J. Bitz; Esther Bitz; Esther C. Bitz; H. H. Bitz; H. H. Bitz Land Co.; Leo G. Bitz; Ronald A. Bitz; Wilma A. Bitz; Dawn E. Bjornstad; Eugene Bjornstad; Amy Marie Black; Black Butte Ranch; Black Ranch, Inc; George C. Blackwood; Iven Blatter; Blatter Ranch, Inc.; Bernard August Blomer; Archie J. Blue; Robert M. Blue; Wallace Blue; Alfred E. Blunt, Jr. & Son; Pansy Blunt; Mary Bond; Robert Bond; Stanford Booth; Ben Boreson; Ben O. Boreson; Bernard O. Boreson; Ella Bosch; Donald R. Bosley; Pauline H. Bosley; Boucher Ranch, Inc.; Anna H. Bough; Bow and Arrow Ranch; Carol M. Boyce; Robert D. Boyce; B. Pearl Bradbury; Katherine A. Bradbury; W. H. Bradbury; Bud Bradley; Bud A. Bradley; Earl J. R. Brady; Esther Brandon; Gordon Brandon; Lois A. Brauer; Clarence E. Bright; Mary V. Bright; Earl Britsch; Julia J. Britsch;

Katherine N. Brockelsby; Robert W. Brockelsby; Estate of Robert W. Brockelsby; Douglas Brogan; G. William Brookie (for Frenchman Water Users Assoc.); John K. Brookie; Ether Brosseau; M. M. Brosseau; William Brosseau; Carole J. Rutherford Brown; Brown Co.; Doris M. Brown; E. Irving Brown; Mrs. Freda Louisa Brown; Helen E. Brown; Ervin Brown; Irvin E. Brown; James E. Brown; Vera B. Brown; Lenard Brugge; William B. Brumbaugh; Virginia Lou Bruner; David L. Burch; Ellen A. Burch; Diana Burfield; Theodore B. Burfield; Don Burke; Burkhartsmeyer Land Co.; Anne F. Burns; Arthur Burns; Ethel S. Burns; Hazel Burns; Hulda E. Burns; Thomas F. Burns; Clinton W. Butler; Rose M. Butler; Esther Cady; Fred M. Cain; Gertrude Callahan; Gertrude J. Callahan; Leonard P. Calvert; Mary B. Calvert; M. C. Campbell; Canen Ranch, Inc.; John Cantarun (for Matheson Ditch Co.); Carganal (Gordon Carlson); Anna J. Carlson; Marlyn G. Carlson; Melvin A. Carlson; Archie W. Carpenter; Gladys E. Carpenter; Carson H. Carrigan (for Matheson Ditch Co.); Pearl G. Case; Cattle Corp.; Richard I. Caves; Mary J. Chambers; Kenneth Chauvet; Patricia Chauvet; Chinook Cemetery Assoc.; Doreen M. Christian; Lorene C. Christian; Steven E. Christian; Louise Christiana; Lillian K. Christofferson; Peter Christofferson; James F. Cicon; John A. Cicon; Marylynn Cicon; Pearl L. Cicon; H. L. Clack (for Havre Irrig. Co.); Edith J. Clark; James C. Clark; James L. Clark; Helen B. Clausen; Max H. Clawiter; Edna E. Colbry; George T. Colbry; Earl T. Colby; Emma Collins; Walter H. Collins; Duane W. Compton; Elizabeth J. Compton; Glen A. Compton; Herbert K. Compton; Thomas W. Connolly; Monica P. Conrad; Richard G. Conrad; Beverly A. Copenhave; Vernon E. Copenhaver; Betty J. Copple; William F. Copple; Bert Corcoran; Celia Corcoran; Cornwell Ranch; Howard Cornwell (for Rock Creek Canal Co.); Carol M. Cotton; James S. Cotton; Robert Cotton; Cottonwood Grazing Assoc.; Courtnage & Sons, Inc.; Cowan & Son, A Corp.; Theresa Cowan; Harold K. Cowan; Evelyn Cowell; Gene W. Cowell; Audrey E. Cox; Robert J. Cox; Albert Craig, Jr.; Helen

E. Craig; Lee Cronk; Cronk Ranch, Inc.; Richard Cronk; Allan J. Crowder; Rhoda M. Crowder; Adlle Cummings; Robert S. Cummings; Bernice Curfman; Charles M. Curfman; DaFoe Ranch, Inc.; George Daniel; Dale Dascher; Viola Dascher; Donald D. Davenport; James W. Davey; Minnie J. Davey; Robert A. Davey; Davies Ranch Co.; Reg Davies; Floyd W. Davis; Winnie Davis; Davis Ranch Co.; Pauline H. DeBray; Amelia B. Demarest; Claude S. Demarest; Elsie W. Demarest; Jack Demko; Leo J. Depuydt; Amanda Jane Dielman; Lewis L. Dielman; Barbara M. Dion; Walter E. Dion; Cleda B. Dix; Glen J. Dix; Helen Dix; Jack Loren Dix; Lee B. Dix; Richard F. Dix; Jean E. Dixon; Julia E. Dixon; Estate of Julia E. Dixon; Leah M. Dixon; Russell Dixon; Dolezal Brothers; George H. Dolezal; Robert J. Dolezal; Valerian J. Dolezal; Louise A. Doll; Wilfred L. Doll; Herm Dolphay; Earle N. Donoven; Irene Donoven; J. L. Donoven; Ross C. Dorr; Phillip Doucette; Sherman Doucette; R. B. Doughten; Arthur W. Douglas; Larry T. Douglas; Marian F. Douglas; Clara M. Drabbels; Hubert J. Drabbels; Edna K. Drake; Joseph H. Drew; William H. Drugge; David Drum; David G. Drum; Drummond Family Enterp.; Charles Roman Dull; Diane Dull; Rolf Dull; Ruth Dull; Hugh D. Dumas; Olive M. Dumas; David Dunbar; George A. Dunbar; Joseph J. Dunbar; Richard Dunbar; Clair A. Duncan; Duncan Ranch Co.; Mrs. Clara Durell; Elaine M. Dusek; Fred Dusek, Jr.; Earl Duty; E-T Ranch Co.; Mary Jo Eaton; Richard K. Eaton; Clarence L. Edwards; Emma Edwards; Graydon Edwards; Lee Edwards; Eloise M. Ehli; Gilbert George Ehli; Zelda Elkins (Bilbro); Gertrude Ellis; J. W. Ellis; Katie Ellsworth; Lee Ellsworth, Jr.; Lee Edward Ellsworth; Alfred Emond; Clayton Emond; Hamil Emond; Harmil Emond; Noel Emond; Margaret A. Engstrom; Margaret E. Engstrom; Engstrom Ranch, Inc.; Esther Enkerud; Sever Enkerud; William G. Ennis; James J. Epler; Kathleen Epler; Keith Epler; Marcella Epler; Ted Ereaux; Ted C. Ereaux; Victor Ereaux; Estate of Victor Ereaux; John Erhard (for Havre Irrig. Co.); David W. Erickson; Laura Mae Eskildsen; Leslie Eskild-

sen; Ruth M. Estell; Terry Estell; Etchart Land Co.; Eureka Grazing Assoc.; Alvina Faber; Faber Cattle Co.; Leonard D. Faber; Leonard M. Faber; Leonard N. Faber; Nicholas B. Faber; Patricia Faber; Paul G. Faber; Rose Faber; Rose E. Faber; Dorothy R. Farnik; Joseph J. Farnik; Georgia E. Felton; Arthur N. Fender; Joyce J. Ferguson; Albert H. Fey; Anthony H. Fey, Jr.; Joe A. Fey; Leona Fey; Robert W. Finke; First Creek Ranch, Inc.; First National Bank; First Security Bank, Administrator; First Security Bank, Trustee; First Trust Company of Montana; Ben P. Fisher; Beverly A. Fisher; Glenn Fisher; Thomas J. Fisher; William C. Fisher; Vira Fitzsimmons; Loren C. Fladland; Susan K. Fladland; Albert Flansaas; Margaret A. Flaskerud; Flynn Brothers; Dorothy Forgey; William Forgey; Gerald F. Fossum; 14D Farms; Vivien M. Foust; Fox Grain & Cattle Co.; Lela M. French; William R. French; Ruth Hyde Frevel; Frey Brothers; Allen Friberg; Lacene M. Friede; Ross H. Friede; Florence Frye; Isaac M. Frye; Funk Ranch, Inc.; Fay A. Furnell; Matt M. Furnell; Anita C. Gallup; Frederick J. Gallup; Dan M. Garrison; Henry J. Gauss; John F. Gaver; Pearl S. Gaver; General Agriculture Corp.; Gaye Genereux; Harold Genereux; Hazel M. Genereux; Roger L. Genereux; Cheryl L. Gerstenberger; David L. Gerstenberger; Ted Gibson; Olaf H. Gilbertson; Eldon Gilmore; Marion J. Gilmore; Ingmar Gjersing; City of Glasgow; Glasgow Angus Ranch, Inc.; Margaret Goff; Estate of Margaret Goff; Oscar Goldberg; Golden Eagle Land Co.; Agatha Golie; Hubert Golie; Bruce W. Goodrich; Sharon M. Goodrich; Gordon Cattle Co.; Adam J. Gottfried; J. G. Gottfried; Joseph G. Gottfried; Alfred J. Grabofsky; Frederick Grabofsky; Lorraine J. Grabofsky; Margaret Lee Grabofsky; Wilhelm Grabofsky; Florence C. Grady; Phillip F. Grady; Charles A. Graham; Lillian A. Graham; Donald Grain; Herbert Grain; Beverly Grass; Lionel B. Grass; Albert Green; John V. Green; Ruth M. Green; Sven Paul Greenquist; Kenneth Greenwood; Giles W. Gregoire; Lenora C. Gregoire; Sherman Grimsley; Clifford Gruszie; Howard Gruszie; Louise Gruszie; Edwin

Gunderson; Ellen O. Gunderson; Oscar J. Guttormson; Dorothy Gutweiler; Doris L. Haaland; Milton L. Haaland; Ron C. Haaland; Gerald D. Hagen; Pearl J. Hagen; Clay Hales; Lillian Hales; Gudrun Halingstad; Harold Halingstad; Vebjorn Halingstad; James A. Hall; Delphia Marie Halle; I. H. Halverson; Howard Hammond; Howard J. Hammond; Howard W. Hammond; Jerome C. Hammond; Michael D. Hammond; Estate of Matthew Handley; Carl Hansen; Everrett A. Hansen; Hansen Farming Co.; Ronald E. Hansen; Dean Hanson; Dorothy C. Hanson; Everett A. Hanson; Jeanette A. Hanson; Louise Hanson; Marie Hanson; Marvin J. Hanson; Moral Hanson; Moral M. Hanson; Rachel E. Hanson; Ronald E. Hanson; Verlie M. Hanson; Victor R. Hanson; Daisy T. Harbolt; Glen Harbolt; Glenn M. Harbolt; Mildred M. Harbolt; Wes Harbolt; William C. Harbolt; Hardrock Oil Co.; Norris W. Harrison; Opal C. Harrison; J. A. Harvey; Nellie E. Harvey; Darel Hauge; David Hauge; Dwight Hauge; Donna L. Haugen; Edwin J. Haugen; Harold N. Haugen; Marie Haugen; Mark C. Haugen; Russell L. Haugen; Ruth I. Haugen; Raymond G. Haugness; City of Havre; Harve Lodge No. 1201 BPOE; Crankston Hawley; Ruth H. Hawley; Charles Haynes; Haynes Ranch, Inc.; Heart-Bar-R Inc.; Joseph H. Heavey, Jr.; John H. Hebbelman, Sr.; Frank S. Hedges; Elvard S. Hedstrom; Leonard W. Helke; Andrew Hellie; Arnold Hellie; Hellies, Inc.; Marion Hellstern (Agent for Rock Creek Canal Co.); Dorothy Julia Henderson; Harold Hendrickson; Lloyd Hendrickson; Margaret Hendrickson; Ruth K. Hendrickson; Ida M. Hensler; Wilbur J. Hensler; Louis Herdegan; Floyd L. Herman; Gladys O. Herman; Esther Hermes; Howard Hermes; Stuart P. Herron; Walter W. Hettrick; Marion Hickman; Mary Evelyn Higgins; Hill County; Hill County Cemetery District (Sunset Memorial); Lewis Hill; Lewis M. Hill; Estate of Myrtle M. Hill; Violet Hill; Violet M. Hill; Norma G. Hillman; Hillside Colony; Hinsdale Livestock Co.; Laurence R. Hlad; Greta B. Hoerster; Ben Hofeldt; Ben F. Hofeldt; Clark A. Ho-

feldt; Doris Hofeldt; Douglas F. Hofeldt; Hans Hofeldt; Lawrence E. Hofeldt; Mary Hofeldt; Paul Hofeldt; Rodney B. Hofeldt; Roy L. Hofeldt; Ruth Hofeldt; Hofer Brothers; Mrs. Olga M. Hoffman; Gerald Holman (for North Chinook Irrig. Assoc.); Holman Hereford Home; Holman Ranch Co.; Robert Holman Cattle Co.; Freddie S. Holtz; Ray J. Holzkey; George I. Horgus; George L. Horgus; Marguerite Horgus; Charles Horinek; Denver Hould; Donald L. Hould; Jane R. Hould; Myrtle Hould; Edna G. House; Richard M. House; Winston C. Howey (Agent for Frenchman Water Users Assoc.); Wasyl Hryckiw; Hughes Ranch, Inc.; Glenn L. Humphrey; Curtis L. Humphreys; Jerry M. Hybner, Trustee; Mary Lois Hybner, Trustee; John J. Hyde; Ibel Ranch, Inc.; Bob Inman; Iowa Land & General Development Corp., Inc.; Rose Julia Irwin; John Ivanovitch; Iverson, Inc.; Doris G. Iverson; IX Ranch Co.; JMS Ranch, Inc.; K. Richard Jackson; Lee R. Jackson; Nathan E. Jackson; Shirley L. Jackson; Vernon M. Jacobs; Bertha M. Jacobsen; Raymond A. Jacobsen; Gertrude Jenkins (Underal); James E. Jenks; Max E. Jenks; Thora Finke Jennings (Allderdice); Audrey E. Jensen (Stanton); Ethel Jensen; Evelyn Jensen; Harold Jensen; James J. Jensen; Jerry L. Jensen; Karen L. Jensen; Karen M. Jensen; Kenneth Jensen; Kenneth David Jensen; Kenneth H. Jensen; Melvin C. Jensen; Ole Jensen; Henry B. Jernigan; Alta L. Johnson; Bruce A. Johnson; Bud Johnson; Clare A. Johnson; Dewey Johnson; Elizabeth S. Johnson; Elmer Johnson; Eugene J. Johnson; Helen Johnson; Henry L. Johnson; Jennie L. Johnson, John Keith Johnson; Kenneth Johnson; Lester J. Johnson; Marie Johnson; Myrtle Johnson; Otto Keith Johnson; Johnson Ranch; Reuben E. Johnson; Vernon Johnson; Victor Johnson; Norman W. Johnsrud; Harvey J. Jones; Lee Jones; Lloyd Jones; Town of Joplin; Clifford Jorgenson; Itha Juedeman; Rudolph F. Juedeman; Osborne Kaasa; Lloyd W. Kaercher; Lorn H. Kaercher; Lada J. Kafka; Steve Kalanick; Helen A. Kanning; Thomas H. Kanning; Edith Kappel; Donna R. Kapperud, Trustee; Kapperud Farms, Inc.; Norman O. Kapperud, Trustee; Ellan V. Karsbeck;

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ing Assoc.; John D. Woods; Walter E. Woods; Walter G. Woods; William R. Woods; Hazel Works; Helen Agnes Works; Pete Woronick; Dennis Nelson Wright; Vivian Wright; Y3 Cattle Co.; Della Yeska; Gustav Yeska; Gustav A. Yeska; Gustav A. Yeska (for Frenchman Water Users Assoc.); John A. Yeska; Fred B. Youderian; George Young; Helen A. Young; James L. Young; John W. Young; Una M. Young; William Young; William W. Young; Doris A. Zellmer; Leonard F. Zellmer; and unknown water users;

Defendants.

COMPLAINT

1. This is a civil action, pursuant to 28 U. S. C. 1345, in which the United States, in its own right and as a fiduciary on behalf of the Blackfeet Tribe of the Blackfeet Indian Reservation and its allottees, the Chippewa and Cree Tribes of the Rocky Boy's Indian Reservation and their allottees, the Sioux and Assiniboine Tribes of the Fort Peck Indian Reservation and their allottees, and the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation and their allottees, seeks a declaration of its rights in and to the use of the United States' portion of waters of the Milk River system, including but not limited to Red Rock Coulee, Lodge Creek, Box Elder Creek, Clear Creek, Battle Creek, Snake Creek, Peoples Creek, Big Cottonwood Creek, Whitewater Creek, Frenchman Creek, Beaver Creek, Larb Creek, Rock Creek, Willow Creek, Porcupine Creek, North Fork Milk River, Middle Fork Milk River, South Fork Milk River, Big Sandy Creek, Lonesome Lake Coulee, Sage Creek, and Duck Creek, and the St. Mary River system, includ-

ing but not limited to Boulder Creek, Kennedy Creek, Otatso Creek and Willow Creek, within the State of Montana, and the establishment of the relative rights to use the waters of the Milk River system and the St. Mary River system.

2. The defendants are persons or entities using or seeking to use waters of the Milk River system or the St. Mary River system or are claiming rights to use these waters.

3. The defendants are the State of Montana, residents of the State of Montana or are entities authorized to or doing business in the State of Montana.

4. The State of Montana is named as a defendant in its proprietary capacity, in its governmental capacity as the regulator of water users under and in accordance with state law, and as parens patriae for its citizens, individual, corporate and otherwise.

5. The Milk River is an international stream arising in Glacier County in north central Montana and flows in a northeasterly direction into Canada. It then turns eastward, and approximately 100 miles east of its point of entry into Canada, it reenters the United States with the Missouri River, slightly downstream from Fort Peck Dam.

6. Red Rock Coulee arises in Hill County in north central Montana and flows southeast to its confluence with the Milk River near the Town of Chinook.

7. Lodge Creek arises in Canada and enters the United States in northeast Hill County. The stream flows

in a southeasterly direction to its confluence with the Milk River several miles east of Chinook.

8. Box Elder Creek arises in southeastern Hill County and flows north to its confluence with the Milk River, approximately 10 miles east of the Town of Havre.

9. Clear Creek arises in Hill and Blaine Counties in northern central Montana and flows north to its confluence with the Milk River near Lohman.

10. Battle Creek arises in Canada and enters the United States in Blaine County. The stream flows south to its confluence with the Milk River east of Chinook.

11. Snake Creek arises in Blaine County and flows northeast to its confluence with the Milk River less than a mile upstream from the Fort Belknap Indian Reservation.

12. Peoples Creek arises in central Blaine County west of the Fort Belknap Indian Reservation. It flows east into the Reservation and then angles northeast to its confluence with the Milk River near Dodson.

13. Big Cottonwood Creek arises in Blaine County and flows southeast to its confluence with the Milk River northeast of Malta.

14. Whitewater Creek arises in Canada and flows south into Phillips County, Montana. The stream enters the Milk River near Saco.

15. Frenchman Creek arises in Canada and flows south into Phillips County, Montana. The stream enters the Milk River near Saco.

16. Beaver Creek arises in Phillips County and flows east, then north, and east again, before entering the Milk River near Hinsdale.

17. Larb Creek arises in Phillips and Valley Counties and flows north into Beaver Creek near Hinsdale.

18. Rock Creek arises in Canada and flows south into Valley County, Montana. The stream enters the Milk River near Hinsdale.

19. Willow Creek arises in southern Valley County and flows north into the Milk River near Glasgow.

20. Porcupine Creek arises in Valley County in northeast Montana and flows south into the Milk River.

21. The North Fork of the Milk River arises in Glacier County in North central Montana and flows in a northeasterly direction into Canada to its confluence with the Milk River.

22. The Middle Fork of the Milk River arises in Glacier County in north central Montana, where it merges with the South Fork of the Milk River to form the Milk River.

23. The South Fork of the Milk River arises in Glacier County in north central Montana, where it merges with the Middle Fork of the Milk River to form the Milk River.

24. Big Sandy Creek arises in the Bearpaw Mountains in north central Montana. The stream flows in a southwesterly direction through the Rocky Boy's Indian Reservation for approximately eight miles before leaving the reservation. It then gradually changes direction

until it flows north and reenters the reservation. The stream follows the old, preglacial route of the Missouri River, leaves the reservation, and flows into the Milk River near the Town of Havre.

25. Lonesome Lake Coulee arises in northern Chouteau County in north central Montana and flows northeast to its confluence with Big Sandy Creek.

26. Sage Creek arises in Canada and flows in a generally southeastern direction to its confluence with Big Sandy Creek, near the Town of Box Elder.

27. Duck Creek arises in the Bearpaw Mountains in north central Montana and flows in a westerly direction to its confluence with Big Sandy Creek.

28. Box Elder Creek arises in the Bearpaw Mountains in north central Montana and flows in a generally westward direction to its confluence with Big Sandy Creek.

29. Beaver Creek arises in the Bearpaw Mountains on the Rocky Boy's Indian Reservation. The stream flows north, out of the reservation, and into the Milk River near Havre.

30. The St. Mary River is an international stream arising in Livingstone County in Glacier National Park and, in its natural state, flowing northeast through the Blackfeet Indian Reservation into Canada.

31. The Milk River and the St. Mary River are subjects of the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada. 36 Stat. 2448 (Article VI at 2451).

32. The waters of the Milk and St Mary Rivers are regulated and divided between the United States and Canada pursuant to the 1921 Minute Order of the International Joint Commission.

33. A substantial portion of the waters of the St. Mary River system are diverted through the St. Mary Canal to the Milk River system.

34. On September 7, 1916, Congress established the Rocky Boy's Indian Reservation, 39 Stat. 739, on land which had been the Fort Assiniboine Military Reservation, established by Executive Order of March 4, 1888.

35. The Rocky Boy's Indian Reservation was subsequently increased to 107,532 acres. Act of May 14, 1935, 49 Stat. 217; Act of March 28, 1939, 53 Stat. 552; Act of August 27, 1968, 72 Stat. 931; Proclamation dated November 26, 1947 (F. R. Doc. 48-2629, filed March 24, 1948).

36. As of the dates these lands were reserved, for the Rocky Boy's Indian Reservation, the right to use the waters in, on, under and adjacent to said lands were withdrawn from private appropriation as against the United States and the Cree and Chippewa Tribes and their allottees, and the right to use such waters as are or will be necessary for the present and future needs of the Indians including municipal and domestic use, irrigation, stock watering and full utilization of the reservation and its resources, was reserved, and the purposes for which the reservation was created, including providing a permanent tribal homeland.

37. By the Treaty of September 17, 1851, a reservation was established for the Blackfeet Tribe of Indians

encompassing land which is now the Blackfeet Indian Reservation. 11 Stat. 657; Executive Order, July 5, 1873; Executive Order, August 19, 1874; Executive Order, April 13, 1875; Act of Congress, April 15, 1874; Act of Congress May 1, 1888; 29 Stat. 354 (1895).

38. When the Blackfeet Indian Reservation was reserved in 1851, the right to use the waters in, on, under and adjacent to said lands were withdrawn from private appropriation as against the United States and the Blackfeet Tribe and its allottees, and the right to use such waters as are or will be necessary for the present and future needs of the Indians including municipal and domestic use, irrigation, stock watering and full utilization of the reservation and its resources, was reserved, and the purposes for which the reservation was created, including providing tribal homeland.

39. The Act of May 1, 1888, ratified an agreement which established the Fort Peck Indian Reservation for the Sioux and Assiniboine Indians.

40. When these lands were reserved for the Fort Peck Indian Reservation in 1855, the right to use the waters in, on, under and adjacent to said lands were withdrawn from private appropriation as against the United States and the Sioux and Assiniboine Tribes and their allottees, and the right to use such waters as are or will be necessary for the present and future needs of the Indians including municipal and domestic use, irrigation, stock watering and full utilization of the reservation and its resources, was reserved, and the purposes for which the reservation was created, including providing a permanent tribal homeland.

41. In 1906, the District Court for Montana decreed that the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation were entitled to the first 5,000 inches of natural flow of the Milk River. This allocation was upheld by the United States Supreme Court. *Winters v. United States*, 207 U. S. 564 (1908).

42. Glacier National Park was established by the Act of May 11, 1910, 36 Stat. 354, from lands then in federal ownership, including land reserved for national forests on February 22, 1897, June 9, 1903, March 2, 1907, and June 25, 1908, and to the Blackfeet Tribe on September 17, 1851.

43. Additional land was added to the park pursuant to 39 Stat. 308 (1916), 39 Stat. 1122 (1917), 42 Stat. 1324 (1923), 53 Stat. 1142 (1939)

44. As of the dates of reservation, the right to use such waters reasonably necessary to fulfill the purposes of the reservations which led to the creation of Glacier National Park, including, but not limited to, the preservation and management of park resources, protection of fish and game within the park, and public enjoyment of the park, was reserved to the United States. Act of August 25, 1916, 39 Stat. 535.

45. The United States claims the right to use those waters which have been used for Glacier National Park for wildlife, fishery, recreation, grazing and other uses.

46. The United States claims the right to use the following quantities of water through filings in the specified years, said water is being utilized by the United States through the Milk River Project of the Bureau of Reclamation:

Date	Quantity	Location
1903	2,250 second-feet	Milk River at Dodson Dam
1903	1,055 second-feet	Milk River at Chinook
1903	467,000 acre-feet	Chain Lakes
1908	2,000 second-feet	Milk River at Dodson Dam
1908	2,000 second-feet	Milk River at Hinsdale
1908	2,000 second-feet	Peoples Creek
1908	2,000 second-feet	Davidson Coulee
1908	2,000 second-feet	Alkali Creek
1908	2,000 second-feet	Taylor Coulee
1908	2,000 second-feet	Black Coulee
1908	2,000 second-feet	Dodson Creek
1908	2,000 second-feet	Spring Coulee
1908	2,000 second-feet	Exeter Creek
1908	2,000 second-feet	Yadley Coulee
1908	2,000 second-feet	Beaver Creek (near Hinsdale)
1908	2,000 second-feet	Whitewater Creek
1908	2,000 second-feet	Frenchman Creek
1908	2,000 second-feet	Rock Creek
1908	2,000 second-feet	Antelope Coulee
1908	2,000 second-feet	Ash Coulee
1908	2,000 second-feet	Buffalo Coulee
1908	2,000 second-feet	Hay Coulee
1908	2,000 second-feet	Brazil Creek
1908	2,000 second-feet	Willow Creek
1908	2,000 second-feet	East Branch Brazil Creek
1908	2,000 second-feet	Larb Creek
1908	2,000 second-feet	Beaver Creek

47. Pursuant to the Vested Water Right Contract of 1912, the following water rights were assigned to the United States and are being utilized through the Milk River Project of the Bureau of Reclamation:

Appropriators	Diversion	Acres Irrigated
Fort Belknap Canal Co.	Milk River near Yantic	11,082
Matheson Ditch Co.	Battle Creek	1,642
Paradise Valley Ditch Co.	Milk River near Chinook	1,641
Cook Irrigation Co.	Battle Creek	8,147
Sprinkle-Anderson Co.	Milk River near Zurich	422
New Harlem Irrigation Co.	Milk River near Zurich	7,813
James Griffen	Milk River near Yantic	50
Antoinette & P. M. Bosley	Milk River near Coberg	80
Ella & Judson F. Sharples	Milk River near Coberg	60
Annie E. & John Cronk	Milk River near Coberg	180
TOTAL		26,117

48. On April 17, 1926, the United States reserved all springs and waterholes located on public lands (federal), including the right to use the water within the waterholes. Public Water Reserve No. 107.

49. On June 16, 1934, the United States reserved all nonproducing oil and gas wells which produce water and are located on public lands (federal). 48 Stat. 977.

50. The United States claims the right to use waters which have been used on public lands (federal) for grazing, stock watering and other uses.

51. On September 23, 1937, the Lake Thibadeau National Wildlife Refuge was established and the right to use the water necessary to carry out the purposes of the refuge was reserved, including maintenance of Lake Thibadeau, including but not limited to the right to use 1,500 acre-feet of an unnamed coulee as recorded in Misc. Book 20, Hill County Clark and Recorder No. 259894, on March 19, 1938. Executive Order 7713.

52. On January 28, 1938, the Black Coulee National Wildlife Refuge was established and the right to use the

water necessary to carry out the purposes of the refuge was reserved, but not limited to the right to use for storage 576 acre-feet of the West Branch of Black Coulee as recorded in Water Rights Book 3, p. 238, No. 134694, on May 28, 1938. Executive Order 7801.

53. On March 7, 1938, the Hewitt Lake National Wildlife Refuge was established and the right to use the water necessary to carry out the purposes of the refuge was reserved, including maintenance of Hewitt Lake, including but not limited to use 1,161 acre-feet as recorded in Document No. 144365 with the County Clerk, Phillips County, on May 13, 1938. Executive Order 7833.

54. On February 14, 1936, the Bowdoin National Wildlife Refuge was established and the right to use the waters necessary to carry out the purposes of the refuge was reserved, including maintenance of Lake Bowdoin. Executive Order 7295.

55. On October 25, 1941, the Creedman Coulee National Wildlife Refuge was established and the right to use the waters necessary to carry out the purposes of the refugee was reserved. Executive Order 8924.

56. The United States claims the right to use the production of the following wells in Hill County for use by the Havre Air Force Station: Fac. No. 84100, Fac. No. 84101, Fac. No. 84102, Fac. No. 84103.

57. The United States claims the right to use that water necessary to the operation of the custom stations located within the watersheds of the Milk and St. Mary Rivers in Montana.

58. Fort William Henry Harrison National Guard Facility succeeded to water supply rights of Fort William Henry Harrison held under deed from C. H. Head, at Wilkes, dated June 8, 1910, recorded in book 58, page 289 of the deed records of Lewison Court County and deed covering the same premises on 7 Mile Land and Cattle Company, dated June 8, 1910, recorded in book 69, page 145 of the same record.

59. The United States claims the right to use water necessary to maintain and operate Lake Sherburne, Fresno Reservoir, Nelson Reservoir, and Beaver Creek Reservoir.

60. On the date of its establishment, the United States reserved the right to use waters necessary to carry out the purposes of the Sam F. Webb tract Waterfowl Production Area, consisting of 316.59 acres, T.27 N., R. 29 E, Section 30, Phillips County.

61 On the date of its establishment, the United States reserved the right to use waters necessary to carry out the purposes of the James Pearce tract Waterfowl Production Area, consisting of 438.47 acres, T. 31 N., R 32 E., Section 18, Phillips County.

62. On the date of its establishment, the United States reserved the right to use the waters necessary to carry out the purposes of the Anchor Holm tract Waterfowl Production Area, consisting of 2250.46 acres, T. 35 N., R. 18 E, T. 36 N., R. 18 E., Sections 31 and 32. Blaine County.

63. The defendants claim rights in or rights to the use of the waters of the Milk River system and St. Mary River system in the State of Montana which rights are junior to or obtained through the rights of the United States.

WHEREFORE, plaintiff prays that:

1. Each and all of the defendants be required to appear before this court and set forth fully their claims in and to the use of the waters of the Milk River system and St. Mary River system within the State of Montana;

2. That the court determine that the United States on its own behalf and on behalf of the aforementioned Indian tribes has the prior right to use all waters of the Milk River system and St. Mary River system.

3. That the court determine and decree that the United States as fiduciary holds for the benefit of the Blackfeet Tribe of Indians and its allottees rights to the use of so much of the waters of the Milk River system and St. Mary River system in, on, under or adjacent to the Blackfeet Reservation reasonably necessary for the needs of said Blackfeet Tribe of Indians and its members with a priority date of 1855;

4. That the court determine and decree that the United States as fiduciary holds for the benefit of the Chippewa and Cree Tribes of Indians and their allottees rights to the use of so much of the waters of the Milk River system, in, on, under or adjacent to the Rocky Boy's Reservation reasonably necessary for the needs of said Chippewa and Cree Tribes and their members in fulfillment of the purposes for which the reservations were created and that such rights as relate to lands which were of the Fort Assiniboine Military Reservation be declared to have a priority date of March 4, 1888, and the remaining rights declared to have a priority date of 1935, 1939, 1948, and 1968.

5. That the court determine and decree that the United States as a fiduciary holds for the benefit of the Sioux and Assiniboine Tribes of Indians and their allot-

tees rights to the use of so much of the waters of the Milk River system, in, on, under or adjacent to the Fort Peck Reservation as reasonably necessary for the needs of said tribes and their members in fulfillment of the purposes for which the reservations were created and that such rights be declared to have a priority date of May 1, 1888;

6. That the court determine and decree that the United States has the right to use waters as set forth in paragraphs 42 through 56 with the priority dates therein stated;

7. That the court enter its order and enjoin all water use except in accordance with the amounts and priorities that are set forth in the court's decree;

8. That the court enter such further orders and decrees as may be just and proper for an adjudication of the parties' rights to the use of water adjudicated herein.

Respectfully submitted,

/s/ James W. Moorman
JAMES W. MOORMAN

Assistant Attorney General
Land and Natural Resources Division
Department of Justice
Washington, D. C. 20530

/s/ Robert T. O'Leary by Miles E. Flint
ROBERT T. O'LEARY

United States Attorney
Butte, Montana 59701

/s/ Regina L. Sleater
REGINA L. SLEATER

Attorney, Department of Justice
Land and Natural Resources Division
Washington, D. C. 20530

COMPLAINT OF UNITED STATES,
United States v. Aasheim, et al., United States
District Court, Montana, CV-79-40-Blg. (filed 4/5/79)

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION

Civil No. 79-40-Blg

United States of America,

Plaintiff,

vs.

Velva Aasheim; Adams Family; Norma H. Alexander; William D. Alexander; Jack J. Alles; Arlo M. Anderson; David V. Anderson; Florence E. Anderson; Linda J. Anderson; Martha Anderson; Oliver Anderson; Richard M. Anderson; Bartel W. Andreson; Charles Andrilenas; Elizabeth Anklam; Robert C. Anklam; G. T Archambeault; Helen Archambeault; Lewis C. Archambeault; Harvey Ator; Mary K. Ator; Town of Bainville; Richard K. Barsness; Susan E. Barsness; Frank Bast; Lillian Jorgensen Bast; Beery's Land & Livestock Co.; Alfred A. Bellanger; Linda R. Bellanger; Evan K. Benson; Josephine Benson; Mina R. Benson; Beatrice Bergh; Quentin Bergh; Donald W. Berry; William Berry; Big Muddy Grazing Assoc.; Paul Bisceglia Estate; Delbert N. Blair; Dennis E. Blair; Lloyd Bolster; Edgar L. Bowers, Jr.; John B. Bowers; Edward J. Boysun; Emma Boysun; Libby Boysun; Louise Boysun; Mike E. Boysun; Stephen Boysun; Anna Lee Boyum; Arthur Boyum; Jessie Bridges; Walter Bridges; Town of Brockton; Mavin H. Brookman; Leslie T. Brown; Marjorie L. Brown; Vernon F Brown; Dyllis M. Bucklin; Frank W. Bucklin, Jr.; Allen V. Bummer; Leonard Bummer; Marlene Bummer; Lowell Burgett; Lowell O. Burgett; Don J. Burke; Evert Cabarett; Helen Cabarett; Iver Camrud; B. Evelyn Casterline; Wilford R. Casterline; Amedee

Chabot; Dale E. Chabot; Elaine L. Chabot; Margaret Chabot; Joyce E. Chapman; Thomas J. Christensen; Duane E. Christofferson; Holger Christofferson; Marion Christofferson; Mildred E. Christofferson; Rosemary A. Christofferson; Fred Clark; Lois Clark; Cloverdale Ranch, Inc.; Kenneth D. Collins; Anne Hilde Courchene; City of Culbertson; Carl Dahlgaard; Julian C. Danelson; Catherine Darchuk; Gerald A. Darvis; Caroline E. Davis; Tom W. Davis; John H. Dethman; Nella R. Dethman; Victor Detienne; Jesse C. Drury; Luella A. Hames Edwards; Arvid Eggen; Eugene Eggen; Linda L. Eggen; Delores J. Angelke; Arthur O. Erickson; Wilbur J. Erickson; August Henery Eschenbacher; Alfred J. Falcon; Helga Ann Falcon; Fay Crusch Ranch, A Montana Corp.; Alice Fellon; Dall Fellon; FNB Land & Livestock, Inc.; A Montana Corp.; Carroll Ferestad, Inc.; Fladager Enterprises, Inc.; Milton W. Fladager; Harold Lloyd Forbregd; Terry L. Forchak; Anna Belle Fouhy; Edith Pearl Fouhy; Francis George Fouhy; Hattie Frederick; Glenn L. French; Harvey L. French; Robert D. French; Robert Freske; Donald A. Friedrich; Adrilnne Hope Fugere; Fernande Fugere; Darlene Fulton; Darlene J. Fulton; Echo Garberg; Raymond Garberg; Richard Gaustad; Paul F. Gilbert; Ella G. Glazier; Howard L. Gobbs; Lewis H. Gobbs; Walter E. Goetz; Henry Graham; Howard F. Grainger; Kathryn Grainger; Albert R. Granley; Alice C. Granley; Beverly Gray; Clifford M. Grindland; Bertha M. Gustitis; Charles M. Gustitus; Nancy M. Hagadone; I. H. Halverson; Irwin Halverson; Clark A. Hames; Frances Hames; Harold E. Hammerberg; Vern T. Hancock; James W. Handran; Alma G. Handy; Richard G. Handy; David G. Hanrahan; Glenn Hanrahan; James C. Hanrahan; Ruth Hanrahan; Carl E. Hansen; Reba Hansen; Bernyce Hanson; Vernon Hanson; Victor E. Hanson; Dean Harmon; William Harmon Farms, Inc.; Joseph S. Haroldson; Leroy J. Haroldson; Shirley D. Harris; Helena Harvey; Eugene Hatfield; Jim Hatfield; Lillian Hatfield; Ruth Hatfield; Lyle T. Haug; Larry D. Haw-Baker; Violet M. Hawbaker; Robert A. Hayes; Hedges Corporation; Hellickson Brothers, Inc.; Dixie Lynn Hel-

lickson; Harry M. Herman; Schuyler G. Hill; Eunice Hjelm; Leslie Hjelm; Alice Hjort; Irene Gausted Hluenv; Paul L. Hoffman; Sylvia J. Hoffman; Doris M. Holen; Kenneth Holen; Lloyd Holen; Howard J. Holtan; Lois P. Holtan; Horse Ranch, Inc.; Andreas Hoversland; Delores Hoversland; John B. Hoversland; Ralph H. Hoversland; Wilhelm Hoversland; Henry Hoye; Irwing Hoye; Leota Hoye; Doris E. Huges; Frank D. Hughes; J Bar E Ranch; John Jacobson; William E. Jensen; Archie Johnson; Bernice Johnson; Dora Johnson; Dora E. Johnson; Frieda Johnson; G. Edward Johnson; Gerhard O. Johnson; Gustav E. Johnson; Helen B. Johnson; James H. Johnson; Keith E. Johnson; Kermit Johnson; Lester Johnson; Linda M. Johnson; Margaret Johnson; Martin Johnson; Melvin Johnson; Ray Johnson; Roger W. Johnson; Rudolph Johnson; Sherman Johnson; Robert M. Kins; Cherie Kisler; James G. Kisler; Jance E. Knudsen; Wayne C. Knudsen; Dora B. Knudson; Knud H. Knudson; Herbert Korf; Edna Landsverk; Bernard Langer; Eileen V. Larsen; Eugene Larsen; Larsen Farms, Inc.; Glen L. Larsen; Lila J. Larsen; Marie B. Lasar; Aldon Lee; Aldon E. Lee; Ernst M. Lee; Lee Ranch, Inc.; Rita R. Lee; Carla Rae Leistiko; Frederick G. Leonard; Archie Lewis; Bernard L. Lein; Winfred M. Lein; Alvin O. Lien; Birdell C. Lien; C. Josephine Lien; Orphey A. Lien; Anna Jansen Lund; Lund Hereford Ranch; Robert L. Lund; Dale Marlenee; Dale H. Marlenee; Joann Marlenee; Lanny P. Marlenee; Ronald C. Marlenee; Frank J. Marottek; Mertice M. Marottek; Allen A. Martin; Eugene J. Martin; Loretta C. Martin; Charles Matejovsky; Elyse Matejovsky; Arthur J. Matson; Ruth M. Matson; Mattelin Hereford Ranch, Inc.; Joseph F. May; Elsie A. Medders; Lila Medders; Andrew L. Michels; Michels Farms; Robert W. Middagh; Willie Lou Middagh; Miner Farms, Inc.; Bertha A. Mitchell; State of Montana; Alberta E. Munz; Glen Munz; Chester N. Murphy; Edna B. Murphy; Catherine Murray; Dale Murray; McCann Ranch, Inc.; Nash Brothers; Nelson Angus Farms; C. W. Nelson & Sons; Dale M. Nelson, Jr.; Dean D. Nelson; Delores M. Nelson; Dorothy M. Nelson; Judy S. Nelson;

Ove Nelson; Nelson Ranch, Inc.; Jake Neufeld, Jr.; Milton Norgaard; O & R Ranch; Jean M. O'Connor; Leo O'Connor; Richard K. O'Connor; Odegaard Land & Livestock Co.; Donald G. Oelkers; Myrna I. Oelkers; Gerald E. Olsen; Lois M. Olson; Lucille M. Olson; Oscar W. Olson; Robert E. Olson; Overby Agribusiness, Inc.; Paul Panasuk; Richard D. Panasuk; Sophie Panasuk; Elias Paulsen; Marius Paulsen; Gilbert Paulson; Alfred C. Pedersen; Harriet Pedersen; Alberta E. Petersen; Lette Peterson; Sigrid O. Peterson; Fae Taylor Phillips; Eldon S. Picard; Herbert W. Picard; Anna E. Pickthorn; Lyle Pickthorn; John W. Piercy; Annette Pittenger; City of Plentywood; City of Poplar; Amy Portra; Kenneth W. Pratt; Willie O. Pratt; Henry Radons; Reed's Border Polled Hereford Stock Farm Inc.; James L. Reinhart; Reita D. Reinhart; Martin L. Reynen; Hazel V. Rheault; Dorothy Richardson; Robert Richardson; Catherine S. Romo; Lawrence D. Romo; Lester V. Romo; Norman A. Ronning; Fred Ross; James Ross; Nellie E. Ross; Ramona H. Ross; Darrel L. Roy; Katherine R. Roy; Alice M. Royan; Morris J. Royan; Royan Ranch, Inc.; A Montana Corp.; Frank Shanks, Jr.; Jack G. Shanks; James L. Shanks; Leo Shanks; Milton H. Shipstead; Beulah I. Smestad; Carolyn M. Smith; Edna M. Smith; Kermit V. Smith; Robert L. Smith; Barney Simonson; Marion Simonson; Lucille Sorensen; Michael Sorenson; Steven Sorenson; Stensland Ranch, Inc.; Sundby Enterprises; Bertha Sundheim; Noel Sundheim; Helga Doris Sunsted; Clarice M. T. Susag; Ralph W. Susag; Swank & Son, Inc.; Arthur Swanson; Chinook Swindle; Tade, Inc.; A Montana Corp.; Clara Amelia Tande; Tande Ranch; John K. Tange; Tarum Farms, Inc.; Eleanor Teigen; Palmer E. Teigen; Gordon C. Thompson; Theodore O. Thompson; Elsine Thomsen; Thornwood Co., A Montana Corp.; Dorothy Thunem; Melvin Thunem; Daniel Tietz; Gladys M. Tietz; Martin J. Toavs; Bernice W. Tollefson; David A. Tollefson; James Robert Traeger; Lula B. Traeger; Henry Twedt; Knute Twedt; Orlynn C. Veis; Luella M. Voxland; Tommy R. Voxland; Agnes Wall; David A. Wall; Ole E. Wang; John Warmbrod, Jr.; Lela Warm-

brod; Myrtle G. Warmbrod; Hazel Waro; Paul Waro; Lawrence A. Werner; Wheeler-Bartley Ranch, Inc.; H. H. Wheeler; Alice Wilcoxon; Carolyn Wilcoxon; James Wilcoxon; Sheridian Wilcoxon; Rena Swindle Williams; Mabel H. Wilson; Robert P. Wilson; Catherine C. Winkler; Frederick T. Wix, Jr.; City of Wolf Point; Walter S. Young; Gibson J. Zeidler; Helen M. Zeidler; Charles Zimmer; Delores Zimmer; John Zimmer, Jr.; Thomas Zimmer,

Defendants.

COMPLAINT

1. This is a civil action, pursuant to 28 U.S.C. 1345, in which the United States, in its own right and as a fiduciary on behalf of the Sioux and Assiniboine Tribes of the Fort Peck Indian Reservation and their allottees, seeks a declaration of its rights to use the waters of the Poplar River and its tributaries, including but not limited to the West Fork Poplar River, Middle Fork Poplar River and East Fork Poplar River, and the waters of Big Muddy Creek and its tributaries, including but not limited to Smoke Creek and Wolf Creek (Big Muddy), and the waters of those tributaries of the Missouri River which arise in or flow through the Fort Peck Indian Reservation, including but not limited to Wolf Creek, Little Wolf Creek, Little Wolf Creek and Tule Creek, insofar as these waters are within the State of Montana, and the establishment of the relative rights to use said waters.

2. The Poplar River is formed in Daniels County in northeast Montana by the confluence of the Middle and East Forks of the Poplar River. The stream then flows southward into the Fort Peck Indian Reservation and on to its confluence with the Missouri River at the Town of Poplar.

3. The West Fork of the Poplar River arises in Canada and flows in a southeasterly direction, entering the Fort Peck Indian Reservation less than 20 miles upstream from its confluence with the Poplar River.

4. The Middle Fork of the Poplar River arises in Canada and flows southeasterly into Daniels County, Montana, where it combines with the East Fork of the Poplar River to form the Poplar River.

5. The East Fork of the Poplar River arises in Canada and flows in a southerly diirection to its confluence with the Middle Fork of the Poplar River in Daniels County, Montana.

6. Big Muddy Creek arises in Canada and flows southeast into Sheridan County, Montana. It then flows south until it enters the Missouri River near Culbertson.

7. Smoke Creek arises north of the Fort Peck Indian Reservation in Daniels County and flows southeast to its confluence with Big Muddy Creek.

8. Wolf Creek (Big Muddy) arises in Daniels and Sheridan Counties to its confluence with Big Muddy Creek.

9. Wolf Creek arises in Valley and Roosevelt Counties in northeast Montana and flows south to its confluence with the Missouri River near the town of Wolf Point.

10. Little Wolf Creek arises in Roosevelt County in northeast Montana and enters the Missouri River several miles downstream from Wolf Point.

11. Tule Creek arises in Roosevelt County in northeast Montana and flows southeast to its confluence with

the Missouri River between the towns of Wolf Point and Poplar.

12. The Act of May 1, 1888, ratified an agreement which established the Fort Peck Indian Reservation for the Sioux and Assiniboine Tribes of Indians.

13. When these lands were reserved for the Fort Peck Indian Reservation in 1888 the right to use the waters in, on, under and adjacent to said lands was withdrawn from private appropriation as against the right of the United States on behalf of the Sioux and Assiniboine Tribes and their allottees to use such waters as are or will be necessary for the present and future needs of the Indians, including municipal and domestic use, irrigation, stock watering and full utilization of the reservation resources, and the purposes for which the reservation was created, including the creation of a permanent tribal homeland.

14. When the Medicine Lake National Wildlife Refuge was established, the right to use the water necessary to carry out the purposes of the refuge was reserved, including the right to maintain the level of Medicine Lake and other lakes within the refuge.

15. On April 17, 1926, the United States reserved all springs and waterholes which occur on public lands (federal), including the right to use the water within the waterholes. Public Water Reserve No. 107.

16. On June 16, 1934, the United States reserved all nonproducing oil and gas wells which produce water and are located on public lands (federal). 48 Stat. 977.

17. The United States claims the right to use those waters which have been used on the public land (federal) for grazing, stock watering and other uses.

18. The named defendants are persons or entities using or seeking to use the waters of the Poplar River system, Big Muddy Creek system or tributaries of the Missouri arising on or flowing through the Fort Peck Indian Reservation to the detriment to the United States and the Sioux and Assiniboine Tribes of the Fort Peck Indian Reservation and their allottees.

19. Defendants are the State of Montana, residents of the State of Montana or are entities authorized to or doing business within the State of Montana.

20. The State of Montana is named as defendant in its proprietary capacity, in its governmental capacity as the regulator of water users under and in accordance with state law, and as parens patriae, for its citizens, individual, corporate or otherwise.

21. Exercise by the defendants of the rights which they claim jeopardizes the rights of the United States held on its own behalf and on behalf of the Sioux and Assiniboine Tribes of the Fort Peck Indian Reservation and their allottees.

WHEREFORE, plaintiff prays that:

1. Each and all the defendants be required to appear before this Court and set forth fully their claims in and to the waters of the Poplar River system, the Muddy Creek system and the tributaries of the Missouri River which arise in or flow through the Fort Peck Indian Reservation, within the State of Montana;

2. That the Court determine and decree the relative rights to use waters of the aforementioned systems and streams and establish the relative priorities therein;

3. That the Court determine and decree that the United States as fiduciary holds for the benefit of the Sioux and Assiniboine Tribes of the Fort Peck Indian Reservation and their allottees rights to use so much of said waters as are reasonably necessary for the purposes for which the reservation was created with the priority date of 1888;

4. That the Court determine that the United States has a right to use those waters as set forth in paragraphs 14 through 16 with the prority dates therein stated.

5. That the Court enter its order and enjoin all water use except in accordance with the amounts and priorities set forth in the Court's decree;

6. That the Court enter such further orders and decrees as may be just and proper for an adjudication of the parties' rights to the use of water adjudicated herein.

Respectfully submitted,

/s/ James W. Moorman
Assistant Attorney General
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Department of Justice
Washington, D. C. 20530

/s/ Robert T. O'Leary by Myles E. Flint
United States Attorney
Butte, Montana 59701

/s/ Regina L. Sleater
Attorney, Department of Justice
Land and Natural Resources Division
Washington, D. C. 20530

COMPLAINT OF UNITED STATES,
United States v. Abell, et al., United States
District Court, Montana, CV-79-33-M (filed 4/5/79)

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

CIVIL NO. 79-33-M

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Annette A. Abell; Merrill H. Abell; Anaconda Aluminum; Ed Askelson; Eileen Askelson; Lonna G. Barnard; Richard H. Barnard; Charles Baxter; Lawrence E. Baxter; Lila Baxter; Ethel Borgen; Florence Borgen; Norman Borgen; Ted Borgen; Barbara J. Bower; John A. Bower; Herbert A. Breuer; Beulah Buck; Howard Buck; Phillip Buck; Russell Buck; Sheila Buck; Wilma Buck; Dan H. Burgess; Elvira Burgess; Charles G. Carda; Marie Carda; Duane A. Carlson; Kathleen M. Carlson; Evelyn Casne; Sam Casne; Bill Christensen; Marglo Christensen; Allan R. Clark, Eileen Clouse; John Clouse; City of Columbia Falls; Conrad Land & Cattle, Inc.; Conrad Memorial Cemetery Assoc.; Conrad National Bank; Francis Coombs; W. R. Coombs; Carole Cosick; David Cosick; Glen Daley; Dorothy Danford; Neil Danford; Joan A. Deist, Roger Detert; Rosemary Detert; Doris J. Dupuis; Lyle L. Dupuis; James G. Edmiston; Kathleen Eslick; Paul Eslick; Robert W. Ewert; Burrell C. Flansburg; Fleming Land Partnership; Harley Fredenberg; Carter Fritz; Cheryl R. Fritz; Duane O. Fritz; Earl Fritz; Karen Fritz; Lotella Fritz; Mae Belle Fulbright; William Fulbright; Arlee Gardner; Richard Gardner; Glen Gentry; Shirley Gentry; Anna I. Graham; Francis Graham; Patricia Graham; Robert B. Graham; Josephine K. Gregg; Ronald M. Gress; Dora A. Grier; Arnold M. Grob; Chris Grob; Dallas Gron-

ley; Jane Gronley; Grosswiller Dairy, Inc.; Ruth Guinn; Virgil Guinn; Patricia Haag; Paul Haag, Mary Ann Hagen; Norman Hagen; Catherine W. Harvey; Robert F. Harvey; Donald D. Hawkins; Iris Hawkins; Dennis J. Hester; Dorothy Hodgson; Mark Hodgson; Beverly Hughes; Raymond Hughes; Berniece Iverson; Walter Iverson; Jolene Jacobson; Ronald Jacobson; Donald K. Jensen; Elsie Jensen; James Jensen; John Jensen; Gladys M. Jensen; Janette S. Jenson; Donna Johnson; Eiven Johnson; Ruth A. Johnson; T. Floyd Johnson; Thelma M. Johnson; Vernon R. Johnson; Hiram Jorgenson; Rose A. Jorgenson; Darlene Jump; City of Kalispell; Kalispell Lumber Co.; Alvin M. Keller; Frances Keller; Anna W. Kemp; David R. Kemp; Ronald Kizer; Ruthie Kizer; Vernon Knoll; Herbert Koenig; Robert Koenig; Alma E. Kraft; George Lapp; Kathryn Lapp; Edna Larson; Marvin Larson; Dan Leighty; Sam Leighty; Margaret R. Logan; Cleona Lybeck; Jack Willard Lybeck; Ray Lybeck; Carol Sue Mapston; R. Wesley Mapston; Verland E. Marquardt; Deark Marquart; State of Montana; Alvaretta Morin; Leroy Morin; Melinda Morin; Ralf Morin; Frank Morrison; Mildred Morrison; Laura B. Mueller; Oswald Mueller; Marion A. Murer; Della McCelland; Eloise F. McMillan; George McMillan; Ann S. Nance; Roy L. Nance; Emil Nelson; Arnold T. Nommensen; Marian L. Oberlander; Raymond J. Oberlander; Anna Charlene Orem; Everett Gene Orem; The Pack River Co., A Corp.; Cleora Pard; Parker Brothers Farms, Inc.; Gerald L. Parker; Clyde A. Pederson; Helen J. Perrin; H. W. Pickering; Paul V. Pickering; V. Maxine Pickering; Clyde P. Pierson; Evelyn Pierson; Plum Creek Lumber Co.; Helen Pokornski; Lois H. Poulson; Dorothy Preston; Dwight Preston; Garrison Redd; Leta Redd; Albert H. Reed; Greta M. Reed; Nita Robbin; Walter Robbin; Gilbert M. Rodriguez, MD., Inc.; Doyle Sampson; Helen Sampson; Pat A. Sanders; Ralph P. Sanders; Clyde Schandelmeir; John Schrade; Karl Schrade; Maria Schrade; Elaine Schultze; George Schultze; Della A. Scott; John J. Shoal; Barbara J. Siderius; Charles Siderius; Jerome D. Siderius; James C. Simmons; Sky Air Enterprises; Sliters, Inc.; A. Harold

Small; J. Milton Small; Snell Farm Properties, Inc.; Evelyn Jane Spahr; Eda J. Stofel; Naomi L. Streich; Orrin R. Streich; Yvonne Thompkins; Dan B. Torgenson; Howard H. Tracht; Lloyd H. Tracht; James W. Treweek; Charles E. Trush; Ruth R. Trush; Delepe P. Tufly; Kenneth R. Tufly; Harold A. Tutvedt; Paul Tutvedt; Paul R. Tutvedt; Van Arken Gardens, Inc.; Steve Vulles; Emma Wagner; James Ward; Mary Dene Stocking Ward; Sharon Ward; Barbara L. Warner; Will S. Warner; Grace Weiferich; William Weiferich; Mae Weimar; Norman E. Wendt; Charles C. White; Clayton White; Gail White; Marian J. White; Alicia Whitman; Mrs. Art Whitney; Maude B. Whitney; Harold F. Yeager; Annabelle Morin Zahn; Allen Zimmerman; Ramond Zimmerman;

Defendants.

COMPLAINT

COMES NOW the United States of America, acting by and through the Attorney General and at the request of the Secretary of the Interior and complains and alleges as follows:

1. This action is brought by the United States in its own right and as trustee for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana, the tribal members and allottees to obtain an adjudication of the rights of the parties to appropriate and use the surface and ground waters within the Flathead River basin in Montana.

2. Jurisdiction is vested in this Court by the provisions of 28 U.S.C. 1345.

3. The term "Flathead River basin" as used in this complaint means that area encompassing the Flathead River and its tributaries from their sources to the place

where the Flathead River flows into the Clarke Fork River.

4. The source of the North Fork of the Flathead River is in Canada. After crossing the Canadian border, the North Fork flows in a southerly direction, forming the eastern boundary of Glacier National Park. The Middle Fork of the Flathead River has its origin in the Flathead National Forest near Mount Field; it flows in a northwesterly direction, and constitutes a portion of the southern boundary of Glacier National Park, joining the North Fork at the Park's southwestern corner. The South Fork of the Flathead River arises in the Flathead National Forest near Danaber Mountain and flows northwesterly into Hungry Horse Reservoir. It enters the Flathead River near the Town of Hungry Horse.

5. Below the confluence of the North, Middle, and South Forks, the Flathead River flows in a southerly direction into Flathead Lake. Exiting the Lake, the Flathead River flows south through the Flathead Indian Reservation until, near the town of Dixon, it is joined by the Jocko River. At the confluence with the Jocko, the Flathead River turns and runs in a westerly direction, exits the reservation, and flows into the Clarke Fork River.

6. Major tributaries of the Flathead River include, *inter alia,* Little Bitterroot River, Jocko River, Camas River, Mission Creek, Crow Creek, Spring Creek, Mud Creek, Valley Creek, Finley Creek, Post Creek, Dry Creek, Spring Creek, Mill Creek, Sullivan Creek, Warm Springs Creek, Cottonwood Creek, Ravais Creek, Blue Bay Creek, Irving Creek, and Magpie Creek.

7. By the Treaty of Hellgate, 12 Stat. 975, executed July 16, 1855, between the United States and the Salish, Kootenai, and Upper Pend d'Oreilles Tribes, there was established and reserved, for the use and benefit of those tribes, the Flathead Indian Reservation.

8. The exterior boundaries of the Flathead Indian Reservation, as described in the Treaty of Hellgate of 1855, 12 Stat. 975, are as follows:

> Commencing at the source of the main branch of the Jocko River, thence along the divide separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork below the Camash and Horse Prairie; thence northerly to, and along the divide boundary on the west of the Flathead River, to a point due west of the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along the said divide to the place of beginning.

9. The Treaty of Hellgate, establishing the Flathead Indian Reservation, reserved, for the use and benefit of the Salish and Kootenai Tribes of the Flathead Indian Reservation, the right to use waters flowing through or under the reservation in an amount sufficient to provide a homeland for tribal members and to meet the present and future needs of the tribes and their members.

10. Pursuant to the Treaty of Hellgate, *supra*, and the Act of April 23, 1904, 33 Stat. 302, as amended, each Indian allottee of the Flathead Reservation obtained the right to use a portion of the waters reserved for the tribes in an amount sufficient to irrigate all irrigable

acres on his allotment. These rights have a priority date of July 16, 1855.

11. By the Act of April 23, 1904, 33 Stat. 302, as amended, Congress authorized the construction of the Flathead Irrigation Project to supply water to both Indian and non-Indian lands within the Flathead Indian Reservation. In order to carry out the purposes of the project, the United States filed notices of appropriations of water in an amount totalling 134,534 second feet. Said appropriations are junior to the rights of the tribes and the Indian allottees.

12. By the Act of May 23, 1908, 35 Stat. 251, 267, the Congress established the National Bison Range on unallotted lands within the Flathead Indian Reservation near the confluence of the Pend d'Oreille and Jocko Rivers. In establishing the Bison Range, the United States reserved waters actually used and sufficient additional waters to carry out the purposes of the Bison Range.

13. By the Act of May 11, 1910, 36 Stat. 359, 16 U.S.C. 161, the United States established the Glacier National Park which is bounded, in part, by the North Fork of the Flathead River and by the Middle Fork of the Flathead River. The Continental Divide transects the Park, and the western half of the Park lies within the Flathead River basin. In establishing the Park, the United States reserved for itself waters actually used and sufficient additional waters from the Flathead River basin to fulfill the statutory purposes for which the Park was established—including but not limited to, public enjoyment, preservation and management of Park resources,

and protection of fish and game within the Park. In addition, the statute creating the Park reserved sufficient waters which may be necessary for the development and maintenance of any Government reclamation project. Since the Park was formed, in part, from lands then reserved for national forest purposes, the date of the establishment of the national forest is the date upon which water rights appurtenent to such lands were reserved.

By the Acts of July 1, 1916, 39 Stat. 308, 16 U.S.C. 179; March 3, 1917, 39 Stat. 1122; February 28, 1923, 43 Stat. 1324 (16 U.S.C. 164-167), Congress authorized the acquisition of additional lands for the Glacier National Park. When lands were acquired under said acts, the United States acquired all water rights appurtenant thereto and reserved for itself waters actually used and sufficient additional waters to carry out the purposes of Glacier National Park and the purposes for which the land was acquired.

By enactment of the National Park Service Act of August 25, 1916, 39 Stat. 535, 16 U.S.C. 1, the United States reserved additional waters of the Flathead River basin to fulfill the purposes of that Act with respect to Glacier National Park.

The segments of North Fork of the Flathead River and Middle Fork of the Flathead River which form a part of the boundary of the Glacier National Park were designated for study as a component of the National Wildlife and Scenic Rivers system on October 2, 1968 [see Section 5(a)(7) of the Act of October 2, 1968, 82 Stat. 910, 16 U.S.C. 1276(a)(7)], and designated as a component of the system by the Act of October 12, 1976,

90 Stat. 2327. These actions, by virtue of Section 13(c) of the Act of October 2, 1968, 82 Stat. 910, 917, reserved sufficient water for wild and scenic river purposes.

14. By a Proclamation of February 22, 1897, 29 Stat. 911 (effective March 1, 1978), the United States established the Flathead National Forest. The boundaries of the National Forest have been, from time to time, affected by the following Proclamations, Executive Orders, and Public Land Orders: Proclamation of June 9, 1903, 33 Stat. 2311; Executive Order of June 25, 1908; Proclamation of June 19, 1912, 37 Stat. 1752; Proclamation of June 3, 1918, 40 Stat. 1789; Proclamation of November 27, 1918, 40 Stat. 1894; Executive Order of August 22, 1919; Executive Order of June 22, 1935; Executive Order of July 29, 1935; Public Land Order of February 23, 1966 (31 F.R. 3248).

The Proclamation establishing the Flathead National Forest and the subsequent Proclamations, Executive Orders, and Public Land Orders reserved from the Flathead basin waters actually used for grazing, wildlife and fisheries management, and other purposes, as well as additional waters sufficient to fulfill forest purposes.

15. By Proclamation dated October 20, 1906, 39 Stat. 3260, the United States established the Lolo National Forest. The boundaries of the Lolo National Forest have, from time to time, been modified by the following Proclamations, Executive Orders, and Public Land Orders: Proclamation of November 6, 1906, 34 Stat. 3260; Proclamation of April 30, 1912, 37 Stat. 1739; Executive Order of December 12, 1931; Executive Order of October 2[illegible], 1934; Executive Order of June 27, 1935; Executive

Order of September 19, 1940 (5 F.R. 3761); Executive Order of November 5, 1951 (17 F. R. 10009); Public Land Order of May 19, 1954 (19 F.R. 3007); Public Land Order of July 1, 1956 (21 F.R. 6405); Public Land Order of July 1, 1964 (29 F.R. 9384); Public Land Order of February 23, 1966 (31 F.R. 3248).

The Proclamation establishing the Lolo National Forest and the subsequent Proclamations, Executive Orders, and Public Land Orders relevant thereto reserved waters actually used for grazing, wildlife and fisheries management, and other purposes, as well as additional waters sufficient to carry out the forest's purposes.

16. By the Act of March 3, 1909, 46 Stat. 781, 796, Congress authorized the Secretary of Interior to reserve for the benefit of the Confederated Salish and Kootenai Tribes from location, entry, sale or other appropriation all lands within the Flathead Indian Reservation that were valuable for power sites and reservoir sites. The Secretary, pursuant to this authority, reserved for the benefit of the Confederated Salish and Kootenai Tribes, five hydroelectric sites, one of which is now developed as Kerr project (FERC Project No. 5). The Treaty of Hellgate and this reservation of the hyroelectric sites carried with them a reservation of sufficient water necessary for the full development of all of the tribal power sites so reserved, with a priority date of July 16, 1855.

17. Within the Flathead River basin the United States has withdrawn a number of parcels of federally-owned land for power site purposes. Each of these withdrawals reserved with it sufficient water to carry out the purposes of the withdrawal. The withdrawals and

dates of withdrawals are as follows: Power Site Reserve No. 11 (May 29, 1909); Power Site Reserve No. 19 (June 8, 1909); Power Site Reserve No. 352 (April 21, 1913); Power Site Reserve No. 397 (September 10, 1913); Power Site Reserve No. 523 (March 14, 1916); Power Site Reserve No. 678 (February 11, 1918); Power Site No. 751 (July 10, 1920); Power Site Classification No. 24 (February 13, 1922); Power Site Classification No. 47 (August 2, 1922); Power Site Classification No. 52 (February 2, 1923).

18. Non-federal entities have filed a number of applications for proposed water projects in the Flathead River basin. These include FERC (Federal Energy Regulatory Commission) Project Nos. 5, 34, 100, 868, 2135, 2163, 2164, 2223, 2253, 2285, 2293, 2507, 2652, 2776. Under Section 24 of the Federal Power Act, 16 U.S.C. 818, all lands of the United States included in the proposed water power projects are reserved for power development purposes. The filing of the applications caused to be reserved, on the date of the filing, sufficient water for power site development.

19. The tribes in conjunction with Montana Power Company filed an application with FERC to develop power projects at certain tribally-owned sites (Project 2507). Water rights for these and other tribal sites were reserved for the tribes by the Treaty of Hellgate, *supra*, by the reservation made pursuant to the Act of March 3, 1909, 35 Stat. 781, 796, and the FERC application, with a priority date of July 16, 1855.

20. The Federal Energy Regulatory Commission has licensed two water power projects on the Flathead River

basin—the Big Fork Hydroelectric Project No. 2652, licensed to Pacific Power and Light Company and located on the Swan River in Flathead County, Montana, and the Kerr Project No. 5, licensed to the Montana Power Company and located on the Flathead River and Flathead Lake in Flathead County, Montana. The Kerr project was licensed pursuant to the authorization contained in the Act of March 7, 1928, 45 Stat. 200, 212-213. Under Section 19(a) of the Federal Power Act, 16 U.S.C. 807(a), the United States has a right to take over either of these projects after the expiration of the project license, subject to any rights in the Kerr project which the tribes may have. By licensing the projects, the United States reserved sufficient water to operate the project.

21. By Executive Order 3503 of June 24, 1921, the United States created the Ninepipe National Wildlife Refuge on 2,021.95 acres of land. In creating the wildlife refuge, the United States reserved waters actually used and sufficient additional waters to carry out the purposes of the refuge.

22. By Executive Order of June 25, 1921, the United States created the Pablo Wildlife Refuge on 2,541.95 acres of land. By establishing the wildlife refuge, the United States reserved waters actually used and sufficient additional waters to carry out the purposes of the refuge.

23. Pursuant to Acts of Congress dated July 31, 1939, 53 Stat. 1142, and December 13, 1944, 58 Stat. 801, the United States established the Creston National Fish Hatchery. In order to fulfill the purposes of the fish hatchery, the United States has obtained, pursuant to state law, the following water rights: In March 1895,

the United States filed for 3,000 miner's inches (75 second feet) of spring water from Patterson Creek (now called Mill Creek); this was modified on July 21, 1942, when an additional filing was made reducing the amount to 24.25 second feet; on July 17, 1961, the United States filed for an additional 20 second feet. In addition, the fish hatchery has the right, under state law, to pump ground water at the rate of 72 gallons per minute from a well drilled in 1957 and 400 gallons per minute from a well drilled in 1958.

24. In conjunction with the Hungry Horse Dam and Reservoir in Flathead County, the United States Bureau of Reclamation has, by filings pursuant to Montana law, obtained the right to use 3 second feet of water from Lion Lake for irrigation, agricultural and domestic use (filed December 6, 1945; posted January 16, 1946), and 3,500,000 second feet of water from the South Fork of the Flathead River for generation of hydroelectric power, improvement of navigation, regulation of the flow of the South Fork of the Flathead River, irrigation, reclamation of arid lands, controlling floods, and for other beneficial purposes (posted June 16, 1947; filed July 3, 1947).

25. The United States has reserved for itself, since 1959, sufficient ground water to supply two wells at Kalispell Air Force Station. One well pumps 103,800 gallons per month from a depth of 337 feet, and the other well pumps 134,500 per month from a depth of 278 feet.

26. On May 14, 1973, the United States established the Swan River National Wildlife Refuge, north of the town of Swan Lake. The refuge was located on 1,568.81

acres of land purchased by the United States. When the United States acquired the land, it obtained all water rights appurtenent thereto.

27. The United States Postal Service maintains numerous post offices within the Flathead River basin, some of which have a right to use ground water for drinking and sanitation purposes.

28. Plaintiff is informed and believes that each of the defendants claim, under color of the laws of the State of Montana, rights to use water from the Flathead River or its tributaries. Plaintiff believes that all such claimed rights are junior to the rights of the Confederated Tribes and tribal members and the rights of the United States.

29. The water rights claimed by the parties exceed the amount of water available in the Flathead watershed. If defendants are able to exercise the full rights they claim, they will interfere with the rights of the Confederated Tribes and tribal members and the rights of the United States.

WHEREFORE, plaintiff prays:

(1) That each defendant be required to appear before this Court and fully set forth his claim in and to the use of water from the Flathead River Basin;

(2) For a decree establishing the respective rights of the parties, *inter sese*, to use the surface and ground waters of the Flathead River basin and recognizing the reserved and appropriated water rights of the United

States and the Confederated Salish and Kootenai Tribes and their members as set forth above.

Respectfully submitted,

/s/ James W. Moorman
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COMPLAINT OF UNITED STATES,
United States v. AMS Ranch, Inc., et al., United States District Court, Montana CV-79-22-GF (filed 4/5/79)

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

Civil No. 79-22-GF

United States of America,

Plaintiff,

vs.

AMS Ranch, Inc.; Melvin Adamson & Son; S. A. Adaskavich; Stephen Adaskavich; Carl Agee; Ila Agee; Roy Agee; Ada Agen; Aiken Ranch Co.; Gary C. Aklestad; Helen Aklestad; Herbert Albers; Lela Albers; Evelyn H. Allen; Grover Allen; John E. Allen; Henry Alme; Irene Alme; Steen E. Alme; John C. Ames; Ada O. Anderson; Alan J. Anderson; Donald L. Anderson; Jeanne M. Anderson; June B. Anderson; Anderson Lahr Land & Cattle Co.; Meredith D. Anderson; John Angelos; J. Dayle Annis; Cedor B. Aranow; Dale Arnst; J. H. Arnst; Janet Arnst; Robert A. Arnst; Arrow-S, Inc.; Bonnie Aschim; Doris E. Aschim; Emmett J. Aschim; Katherine M. Aschim; Robert O. Aschim; Jeannine Atkins; Marvin L. Atkins; B & O Ranch, Inc.; James Baker; Kathryn Baker; William Baker; E. C. Edwin Baldwin; George W. Baldwin; Fred C. Banka; Ruth E. Banka; Bar Z F Ranch, Inc.; Anita Barnard; Richard Barnard; Lettie M. Barnes; Paul M. Barrett; Aldene Barrington; Leonard G. Bashor; Nancy Beardslee; Rolland A. Beaudry; C. N. Benjamin; Ethel Benjamin; Harry E. Benjamin, Jr.; Joyce Benjamin; Norman Benjamin; Hugh L. Bennett; Bergstrom Farms, Inc.; Elmer Berkram; Melvin R. Berkram; Berland and Berland; Alba L. Berland; Anita Bernard; Richard Bernard; Alfred Bertram; Bessette Ranch Co.; Catherine R. Billmaier; Bills Ranch Co.; Birch Creek Colony; Philip J. Bisnett; Ada Flo Blair; Clifford L. Blair; Jesse R. Blair; Alice Agnes Blevins; Albert C. Blockeel; Herb-

ert Boehm; Daniel C. Boggs; O. C. Boggs; Bokma Farms, Inc; Lottie D. Bond; Ralph Bond; George Olin Bothell; Dorothy L. Boucher; W. Thomas Boucher; Alyce Bouma; Margaret I. Bouma; Ray E. Bouma; Gerald L. Bourke; Jane Bourke; Bow and Arrow Ranch; John Bowen; E. O. Boyle; K. Wallace Bradley; Marilyn N. Bradley; Thelma K. Bradley; Wallace Bradley; H. F. Brammer; Harry E. Brandt; Mary E. Brandt; Marvin Howard Briese; Ruth Ann Brinkworth; Elmer R. Britten; Violet Broadhurst; Henry W. Broesder; Philip Broesder; Ida Gustava Bronken; Robert W. Brophy; Vera B. Brown; Mrs. Freda Louisa Brown; Arthur C. Brownell; Mary Ellen Brownell; Robert S. Brownell; Viola S. Brownell; Christine Bruins; Josephine Bubnash; Nick Bubnash; Alvina S. Buffington; Gertrude Buffington; Robert G. Buley; Leona Burkett; Robert A. Burkett; Lawrence E. Bye; Ralph I. Bye; Archie Campbell; Evan Campbell; John M. Campbell; Mary H. Campbell; Patrick M. Campbell; Walter J. Campbell; Lewis Carroll; Roselyn Carroll; Verne M. Casey; M. W. Cassady; Elmer C. Childers; Marjorie M. Childers; Riley W. Childers; Doreen M. Christian; Lorene C. Christian; Steven E. Christian; Ben Christman; Theone Christman; John A. Cicon; Pearl L. Cicon; James L. Clark; Marie F. Clark; Walter C. Clark; William O. Clark; Edward M. Cole; Margarette A. Cole; Travis Collier; Charles J. Connolly; Daniel B. Connolly; Phyllis K. Connolly; Genevieve D. Corry; Henry R. Corry; Edwin R. Cramer; Ted R. Crawford; Cut Bank Airport; Cut Bank Golf & Country Club; D & D Land Co.; Dabney Angus Ranch Co.; Carl Dahlen; Carl T. Dahlen; Charles A. Daley; Lloyd Danielson; Jeanne Du Bois Davidson; Carrol J. DeBoo; Richard N. DeBoo; Amelia B. Demarest; Claude S. Demarest; Douglas W. Demarest; Elsie W. Demarest; Robert E. Denny; Darlene Denzer; Edith E. Denzer; Lyman R. Denzer; Audrey DeVinney; Estate of Audrey DeVinney; Ethel N. DeVries; Jennie DeVries; Anna Dezort; Clark Diemert; Gerold D. Dolezal; Richard D. Dolezal; Raymond C. Dommer; Dougle L., Inc.; Dola N. Driessen; Bert Duncan; Earl Duncan; Minnie E. Duncan; Jennie Dyrdahl; John Dyrdahl; Linda Earl; William

H. Earl, Jr.; Townsite of East Glacier; Corine Edwards; James C. Edwards; Grace E. Egan; Lester M. Eide; Oscar Eklund; Grace Elings; Robert Elings; Ruth Elings; Charles R. Elliot; Evelyn L. Elliott; Everett C. Elliott; Helen L. Elliott; Florence Ellwein; Hubert F. Ellwein; Mrs. Alma Elton; B. Lavay Emrick; Robert R. Emrick; Wreatha M. Emrick; Edwin Enneberg; Theodore Enneberg; Lloyd Eppe; Erickson Farms, Inc.; Harry L. Erickson; Marie G. Erickson; Rodger A. Erickson; J. W. Ewinski; Towilla Ewinski; Marion Farrell; Ronald D. Farrell; Mildred B. Faugue; Herbert W. Fenger; Anthony F. Fey, Jr.; Leona Fey; Pauline L. Fey; C. W. Field, Jr.; John R. Field; Linda L. Field; Maurice Finch; First Continental Corp.; M. Marvin Fitzpatrick; Alvina M. Flage; Grant Flage; Edward Leo Flesch; Gene Donald Flesch; Hazel Flesch; Leo H. Flesch; Lester Flesch; Norbert Flesch; Norma Flesch; W. Rea Flesch; Wilma R. Flesch; George William Foltz; Edith Forseth; Sigurd Forseth; Estate of Sigurd J. Forseth; Fossen Farms, Inc.; Allen J. Fowler; Dewey Fowler; Harold Fowler; Margaret Fowler; Mary Thelma Fowler; Roger D. Fowler; Carl F. Fransen; Gust V. Fransen; Marguerite V. Freebury; Richard F. Freebury; Brenda Fretheim; Connie F. Fretheim; Marvin C. Fretheim; Milton J. Fretheim; Myron A. Fretheim; Kenneth G. Frick; Leonard Fritz; Lillian D. Fritz; Raymond Fritz; Fay A. Furnell; Matt M. Furnell; James E. Furrier; Ernest Gagnon; Genevieve Gagnon; Marcella C. Gagnon; Mina Gagnon; Narciss Gagnon; Anita C. Gallup; Grant Gallup; Henry J. Gauss; James E. Geiger; Margery Geiger; Leora M. Gibson; May Gibson; Ted Gibson; Isabel F. Gies; Earl F. Gillespie; Lillian Gillespie; C. M. Gjullin; Glacier Colony; Glacier Park, Inc.; A. H. Goeddertz; Albert Goeddertz; Enda Goeddertz; Beverly Gae Goff; David Craig Goff; Mrs. Steve (Diane) Goff; Steven R. Goff; William R. Goff; Golden Grain Farms, Inc.; Donald E. Goldrick; Mary E. Goldrick; Cecil W. Gollehon; Jean Gollehon; Phyllis P. Good; Jean Gordon; Victoria Gossard; Estate of Adam J. Gottfried; Lawrence Gottfried; Donald R. Gouchenour; Esther Gouchenour; Raymond W. Gouchenour; Agnes S. Graham; Alistair D. Graham; Paul

Graham; Grassy Buttes Farms, Inc.; Great Falls National Bank; Charles William Green, Jr.; Green Coulee Ranch; Danny D. Green; John J. Greytak; Grisby Corp.; Erling Grubb; Loretta May Grubb; W. Erling Grubb; Douglas Gunderson; Josephine Gunderson; Gussenhoven Real Estate & Lumber Co.; I. B. Guthrie, III (Registered Agent); James R. Guthrie; Margaret M. Guthrie; H. & J. Land Co.; Habet Land & Livestock; A. H. Habets, Sr.; Ada Habets; Cecelia Habets; Darrel Habets; Ernest C. Habets; Evona M. Habets; Habets Farm Co.; Gerald J. Habets; Glen Habets; Jeanette M. Habets; Joseph H. Habets; Shirley Habets; Mildred Hagerty; Roy J. Hagerty; H. Earl Haggerty; Betty L. Hall; James Hall; Henry Halverson; Sylvia Irene Halverson; Wagner K. Halverson; Katharine Halvorson; Wallace Halvorson; Dorothy M. Hamaker; Ted Hamaker; Lenore L. Hamel; William L. Hamel; John S. Hamilton; Richard L. Han; Ernest F. Handford; Marion V. Handford; Edythe E. Hanson; Harold J. Hanson; I. Cecille Hanson; Fred Harig; Dall H. Harnish; John W. Harper; Kathleen L. Harper; Ruth Killian Hartsell; Mae Hartsook; Estate of Mae Hartsook; Donald E. Hartwell; Fred A. Hartwell; John A. Harwood; Melvena Harwood; Barbara J. Hasquet; Juanita Hasquet; Julius T. Hasquet; Louis M. Hasquet; Robert P. Hasquet; Hasquet Ventures, Inc.; David H. Hastings; LaVonne J. Hastings; Russell L. Haugen; Estate of Peter Havnegjerde; Ann Louise Hawkins; Fred H. Hawkins; Joe William Hawkins; Joseph W. Hawkins; Adrian Hawks; Claude Hawks; Evelyn Hawks; Frances Hawks; Henry Hawks; Leo Hawks; Rita Hawks; Jack M. Hayne; Donald Haynes; Thelma Hearl; Alma L. Heath; Dale W. Heath; Donald Heath; Daniel R. Heatwole; Alice Heimbigner; Evelyn Hellinger; Lloyd M. Hellinger; Dorothy Julia Henderson; James J. Hendrich; Shirley A. Hendrich; James Hendrick; Harold Henry; Lawrence J. Higgins; Violet B. Higgins; Myrtle M. Hill; Estate of Myrtle M. Hill; Gladys Hjarterson; Gunnar G. Hjartarson; Hjortur Hjartarson; Judith S. Hjartarson; Sigrid Hjartarson; Steinthor Hjartarson; T. R. Hochsprung; Hofer Brothers; Florence M. Hofland; Holden Herdfords; John L. Holden;

Linda L. Holden; Dorothy Holland; Homesteads, Inc.; Leroy D. Honrud; Vivian Honrud; Arnold Houdek; Charles Houdek; Katherine Houdek; Edna G. House; Estate of Clara A. Howard; Harold Howard; Beulah Emaline Hoye; Marjoril L. Hughes; Vendetta Hughes; James Hull; Jeanne E. Hull; Michael J. Hull; Raphael J. Hull; Alice L. Humble; Richard W. Humble; J. S. Hume; Elizabeth S. Humphrey; James M. Humphrey; Idella M. Hunnewell; R. E. Hunnewell; G. Jack Hurley; Gordon Hurley; Jack Hurley; Horatio Husted; Pearl Husted; Iowa Land and Development Corp., Inc.; Doris G. Iverson; JGL Farms, Inc.; Jerry Jackson; John N. Jarina; Mike Jarina; Gertrude Jenkins; Elizabeth Jennings; Talbot Jennings; Harold Jensen; James J. Jensen; Karen Jensen; Ronald Jensen; Ingolf Jeppesen; Karl Grant Jeppesen; Rita B. Johannsen; Russell F. Johannsen; Benjamin O. Johnson; Johnson Cattle Co.; Eugene Johnson; Eugene J. Johnson; Evelyn J. Johnson; Fred R. Johnson; Hazel Hoyt Johnson; Marius C. Johnson; Myrtle C. Johnson; Myrtle L. Johnson; Nila Mae Johnson; Vernon Johnson; Wallace Johnson; David W. Jones; Edward L. Jones; Emily L. Jones; Lois G. Jones; Marjorie Jones; Marjorie S. Jones; William H. Jones; Clark A. Judisch; James W. Judisch; William E. Judisch; Norman R. Kalbfleisch; A. C. Kammerzell; Lucille M. Kammerzell; James Kaneff; Kanning Farms; Helen R. Kanning; Thomas H. Kanning; Albert Kaptein; Marie Kaptein; Joseph Karst; Donald H. Keil; Jacqueline K. Keil; La Verne Keil; Keil Ranch, Inc.; Kelleher Brothers; Maurice Kelleher; Agnes Bird Keller; Charles L. Keller; Lois E. Keller; Charlotte Kenfield; Dennis D. Kenfield; City of Kevin; Marguerite E. Kiehlbauch; Clare Kimball; Ruth Kimball; Aloysius A. Kimmet; George Kimmet; Wilhelmina Kimmet; Ernest G. King; Mrs. Harry King; Harry R. King; Hugh King; Irene M. King; Lila C. King; Lillian Kingston; Karl M. Kirkeby; Elizabeth G. Kleinert; Harold E. Kleinert; Herbert A. Kleinert; Margaret A. Gleinert; Samuel P. Kleinsasser; Theo F. Kluth; Althea A. Knight; Odin V. Knutson; Herbert F. Koenig; Mary Koenig; Arnold W. Kohles; Allen Kolstad; Allen C. Kolstad; Alta A. Kolstad; Henry

Kolstad; Iva M. Kolstad; Leo S. Kolstad; Mabel Kolstad; Martha H. Kolstad; A. J. Kovatch & Son; Faye Kraft; Robert J. Kraft; Harriet M. Krall; Joseph W. Krall; Krebs Brothers; Donatus Kronebusch; Doris A. Kropp; Robert P. Kropp; Warren Kropp; Isabelle Kruger; Richard F. Kuka; Robert L. Kuka; L & P Ranch; Charles Laas; Charles A. Ladner; Hazel Ladner; John W. Ladner; Curtis R. Lakey; Delores E. Lakey; Stella E. Langman; Quentin R. Larsen; Floyd F. Larson; Julia K. Larson; Lester A. Larson; Merle M. Larson; Quinton R. Larson; R. R. Larson; Rhoda F. Larson; T. R. Larson; Ernest Lauffer; Kathleen E. Lauffer; Robert H. Layne; Richard Glen Lazure; Lazy K-6 Ranch, Inc.; Donald R. Lear; Phyllis Lear; Henry Leistiko; Charles Lenington; Victor A. Lenoir; Winifred Lenoir; Bertha L. Lettings; Pierre Robert Lettings; Julia Letz; Nick G. Letz; Dixie L. Leys; John M. Leys; Lightner Farms, Inc.; Loren Lightner; Rachel E. Lightner; Raymond Lightner; Albert C. Lincoln; Charles Lincoln; Charlie Lincoln; Mabel Lincoln; Roger Lincoln; Ralph Lindberg; Lyle Lindquist; A. D. Lindseth; Ethel Lindseth; George P. Lippert; Ruth Wood Littel; Hazel Glen Newcomb Livingston; Eileen Lonnevak; Robert L. Lonnevak; Betsy S. Loomis; E. R. Loomis; Gilbert Lozing; Bertha P. Luckenbill; Charles Luckenbill; Charles W. Luckenbill; Wanda M. Luckenbill; Estate of Hans Lybeck; MK Bar Ranch Co.; Ina Ann Majerus; Norbert W. Majerus; Elizabeth D. Manconona; Morris O. Mancona, Jr.; Marie Mancornel; Mangus Cattle Co.; Eileen Manix; Margaret E. Manix; Mayme Manix; Sandra Manley (Agent); Maurice Manthey; Marias River Land & Livestock; Harold Markuson; Clifford C. Martin; Donna K. Martin; Donald Mason; Gloria Mason; Donna N. Matchett; John Matchett; Mearlin Matchett; Malvin Matteson; Margaret Matteson; Mauciere and Finch; Adelene B. Maxwell; William A. Meeks; Meissner Brothers; Meissner Ranches, Inc.; A. M. Merler; William E. Merler; Paul Mertz; Mike Meuli & Sons, Inc.; Alda M. Meyer; Henry Meyer; Winifred F. Meyer; Freda Meyers; Phillip Michaels; James R. Midboe; Shirlee J. Midboe; Barbara M. Miles; James C. Miles; Ann Milledge; Daryel E. Mil-

ledge; Evelyn K. Milledge; Richard K. Milledge; Ronald D. Milledge; Phillip W. Miller; John William Mink; Madeline Mink; Charlie V. Miritz; Helen A. Miritz; Dora E. Moller; Barbara J. Monroe; John J. Monroe; State of Montana; Esther F. Moritz; Kathryn C. Moritz; Richard J. Moritz; Robert Moritz; Turan C. Morris; James J. Morrison; Mabel Morrison Trust Estate; Anton J. Moser; Elizabeth I. Munson; William Muntzing, II; Arlene R. Munyon; Dale R. Munyon; Russell Myers; Margaret J. MacLean; Malcolm D. McAlpine; Muriel McAlpine; John McCarter; William McCarter; Elsie Mae McClugage; McCormack Agency; Manley K. McCormick; Betty A. McCracken; Darrell M. McCracken; H. Genevieve McCracken; Thomas C. McCracken; Ruth A. McDermott; Ethel E. McDonald; Melvin McFadden; Wilma McFadden; McFarland & Sons; James McKechnie; Ruth McKechnie; Raymond A. McKee; A. G. McLean; John J. McLean; R. D. McPhillips; John McTaggart; Florence McVey; N Hanging 5 Ranch; Nauman Cattle Co., Inc.; Marion B. Neal; Laurence S. Nelson; Ronald G. Nelson; James O. Nepstad; O. A. Nepstad; Gunvald Nesbo; John Nesbo; New Miami Colony; Arlene Newmiller; Ella Newmiller; Kenneth Edwin Newmiller; Raymond L. Newmiller; Vicki Lynn Newmiller; William Newmiller; Andrew Neyenhuis; Leota Nichols; Paul F. Nichols; Joseph P. Nickol; Marjorie L. Nickol; Elgie Nomland; Iva M. Norman; William F. Norman; Annie L. Norsby; Robert O. Norsby; Francis Norton; Robert Norton; Ostvik Norum; Edna K. Nutter; Karl M. Nutter; John Kiel Nutter; Peggy Nutter; Estate of R. H. Oberlack; J. C. O'Brien & Sons, Inc.; O. Ramsey Offerdal; O'Haires, Inc.; Annie O'Laughlin; Howard O'Laughlin; Arnold Olson; Doris Faye Olson; Gladys I. Olson, Trustee; Helen Virginia Olson; Kenneth E. Olson; Loraine C. Olson; Loretta Marguerite Orchard; Bernice I. Orcutt; E. H. Orcutt; Orcutt Ranch Co.; Robert E. Orcutt; Ben J. Oswood; Benjamin Oswood; Lloyd H. Oswood; Michelle M. Oswood; June Ostrum; Kenneth Ostrum; Treva D. Ovens; William C. Ovens; Otto Pace; Robert W. Parcel; C. J. Parmalee; E. C. Parocal; Edna Parocal; J. F. Parocal; Sarah M. Paracol; Robert F. Par-

sell; Emily K. Paull; William A. Pederson; Allen L. Peers; C. Peter Pelissier; Edward J. Peoples; Marjorie Peoples; James R. Peters; Lester R. Peters, Vivian E. Peters; Edward J. Peterschick; Elsie J. Peterschick; Agnes Lis-Marie Peterson; E. O. Peterson, Inc.; Earl Peterson; Francis A. Peterson; Hedvig F. Peterson; Ingwald J. Peterson; Estate of Amos Petesch; Betty J. Pfeifer; Paul Pfeifer; Harold A. Phillips; Josephine Frances Phillips; Pleasant View Farm; Alvin L. Ploss; Pondera County; Clara Postlewait; Juanita Potter (Wilkens); Powers Brothers; Jessie M. Pringel; Gordon R. Puckett; Judith L. Puckett; Pugsley Ranches, Inc.; Hannah Afra Quackenbush; Helen A. Quist; Helen L. Quist; John C. Quist; Mildred E. Raines; G. J. Rankin; George J. Rankin; G. W. Rankin; Jeanette J. Rankin; John William Rappold; Ethel Rasmussen; A. E. Rathbun; Alfred E. Rathbun; Winifred E. Rathbun; David Ratzburg & Son, Inc.; Dyle Ratzburg Farms, Inc.; Eleanor J. Ratzburg; Helen S. Reitsch; John Gordon Rice; B. C. Ries; Jean Ries; Lavern Ries; Marie K. Ries; Sylvester A. Ries; Marie M. Rigby; Willis B. Rigby, Sr.; Rimrock Colony, Inc.; G. R. Rinehart; Mary Rose Ringham; Theodore Ringham; E. W. Ritenour; Jessie H. Ritenour; B. E. Robertson; C. M. Robertson; Clare Robertson; Margaret C. Robertson; Ralph E. Robertson; S. Robertson; Thelma Robertson; Vernon Robertson; Walter F. Robertson; Edward Rockman; Elwin Rockman; Olive A. Rockman; Rose M. Rockman; Sevier Rockman; Donald J. Rocks; Laura T. Rocks; Marlene K. Rocks; Jabez W. Rogers; Clarence Romain; Romain Land & Cattle Co.; Lawrence F. Romain; Raymond Romain; Roman Catholic Bishop of Helena (Autz Estate, Maria Kandutsch); Cora A. Rosenbaum; J. T. Rosenbaum; Darlene Rosman; Richard C. Rosman; Leroy Rouns; Coral Rude; Charles E. Rulgamer; Dorothy M. Rulgamer; Ralph Russell; Ralph K. Russell; Burnie J. Ruth; Helen D. Sabo; William C. Sabo; Albert C. Salansky; Leola T. Salansky; Louis C. Salansky; Michael C. Salansky; George Sanders; Leroy H. Sanders; Mildred N. Sanders; Agnes B. Sandon; Israel Sandon; Lionel R. Sandon; Sophie Sandon; Emily Oakes Scalese; Hales

Scalese; K. Ambjorg Scalese; Thomas J. Scalese; Leonard Walter Scheel; Andrew C. Schildt; Julia M. Schildt; Carrol W. Schlegel; Stella C. Schlegel; Anna Schlepp; Leonard Schlepp; Nellie M. Schlepp; Schnee Farms, Inc.; Helen A. Scholz; Robert L. Schoonover; Eugene Schrouder; Clyde J. Schultz; Ernest C. Schultz; Ernst C. Schultz; Ernst C. Schultz, Jr.; Gloria Schultz; Nellie M. Schultz; Michael Schwander; Harvey D. Seidlitz; Ruth Seidlitz; Cheryl E. Seifert; Dale J. Seifert; Donald F. Seifert; Elizabeth Seifert; Henry T. Seifert; Lee S. Seifert; Sandra L. Seifert; Leroy W. Seward; Raymond M. Seward; City of Shelby; Iva M. Sherrard; John H. Sherrard, Jr.; Helen Show; Shirley Shurtleff, Dorothy Siemens; Pete Siemens; Helen Sill; Margaret Sill; Walter J. Sill; Herman Simmes; Margaret Simmes; Ben F. Sisk; Sisk Ranch, Inc.; Robert Sisk, Jr.; Robert A. Sisk; O. M. Skari & Sons; Ted Skelton; Carl E. Skeslien; Carl E. Skeslien, Jr.; Clara P. Skeslien; Jeanne Skierka; Ray S. Skierka; Sandra Rae Skierka; Delores Skinner; Lyall Skinner; Charles Skorupa; Jerry D. Slezak; Sharon K. Slezak; Edna L. Smedsrud; Smith and Rice, Attorneys; Claire Pendergress Smith; Frances B. Flage Smith; Rosemary Snodgrass; Lucille B. Snyder; Marcel Solum; Myrl J. Solum; Agnes Sommerstad; Frank Sonnemaker; Marlin E. Spicher; Spike D Cattle Co.; Patricia L. Spingola; Chester L. Spoleder; Donald L. Sporleder; Roxanne L. Sporleder; Earl Sprague; Albert Sprague; Spring Hill Ranch; Illa Fritz St. Mars; William B. Stalnaker, Jr.; Arnold M. Stanwick; Elmer Start; J. Vernon States; Evalina M. Stetler; George A. Stevens; Martha E. Stevens; Belle Stewart; Lynn Stewart; Stewart Ranch, A Corp.; S. Lynn Stewart; Vera Belle Stewart; Edna Stokes; Faye Stokes (Registered Agent); Stoltz, Inc; Clarence D. Stoltz; Dorothy Stoltz; George E. Stoltz; Louis Stoltz; Rebecca S. Stoltz; Stoltz Ranch; Ruth L. Stoltz; Estate of Agnes O. Stone; Albert Stordahl; Ernest H. Stordahl; Loretta F. Stordahl; Mabel A. Stordahl; Gene Stott; Stott Ranch, Inc.; Allen Stratton; Varla Stratton; Lester Strouse, Jr.; Roy Stuart; Sun Ag., Inc.; Alfred A. Sundby; Sundby Brothers; Helen G. Sundby; Lorentz A. Sundby; Oliver N. Sundby; Sunny Hill Angus Ranch,

Inc.; Juanita A. Suta; Kalman A. Suta; Louis L. Suta; Albert P. Svlum; Ardyce Swank; John Swank; Ethel F. Swanson; J. A. Swanson; J. V. Swanson; Agnes G. Swatfigure; Katherine Sylvester; T-6 Ranch; Maurice Tack; Ernest F. Taft; Jo Ann Taft; Oren Cargill Taft; Texaco, Inc.; Alice Thielman; Arthur P. Thielman; Edward Thielman; Harold Thielman; Mina Thielman; Terry Lee Thielman; Trina S. Thielman; Florence Thieltges; Gary Thieltges; Peter Thieltges; Richard Thieltges; Estelle C. Thill; Robert J. Thill; Earl Thisselle; Reva Fay Thomas; Athena N. Thompson; Mary Juanita Thompson; Robert L. Thompson; Thomas A. Thompson; Louise S. Turner Thornton; Ann K. Tomayer; Anna K. Tomayer; Joe Tomayer; Arthur Tomsheck; Lois Tomscheck; Tomshex, Inc.; Toole County State Bank; Harm Torem, Jr.; Torgerson Brothers; Triangle Co.; Jean C. Turner; Marian F. Turner; Marion F. Turner; Raymond M. Turner; Reynolds M. Turner; John Tweedy; Margaret B. Tweedy; Ullom Farms, Inc.; Clarence I. Underal; Clara J. Underdal; Melvin Underdal; Upham Farm, Inc.; Joan M. Urton; William W. Urton; Emil Valstad; A. L. Van Auken; Zona G. Van Auken; Gerald Vandenacre; Gerald A. Vandenacre; Jo Ann Vandenacre; Dick Vanden Bos; Elizabeth A. Vanden Bos; Geneva B. Vanden Bos; Gertrude M. Vanden Bos; William Vanden Bos; Catherine Van Doorne; Osymo Van Doorne; George Van Senden; Katherine Vasboe; Theodore Vasboe; Agnes Vermulm; Carol Vermulm; Jay Vermulm; Jennie Vermulm; Violett Farm, Inc.; Charles Waddell; Ellen L. Waite; John A. Wall; Adam Wallewein; Helen E. Wallwein; John L. Wallewein; Jere M. Walley; Floyd Walston; Thora Walston; Esther L. Walton; Wanken Farms; Frank Wanken; Theresa May Ward; Janell E. Wardell; M. Sterling Wardell; Warwick Farms, Inc.; Loren Warwick; James R. Waters; Sylvia Waters; John H. Weaver; E. C. Webster; Donovan Weisgram; Reta Rae Weisgram; Wayne W. Welch; Howard E. Welker; James F. Welker; Ralph Welker; John H. Wells; Mary Jean Wells; W. J. Wesley; Russell B. West; Westco Farmlands, Inc.; Evaleen Weter; Julia M. Weter; Alonzo Wheeler; Bertha Wheel-

er; Robert H. White; William A. White; Doris Whitmore; Etta Lorene Whitmore; Pearl Grace Wicks; Victor Walter Wicks; Buelah Wickum; Richard Wickum; Richard M. Wickum, Jr.; Roy Wickum; Cyril A. Widhalm; Cyrilla A. Widhalm; Georgia Widhalm; Raymond J. Widhalm; Anne Catherine Wiegand; Charles J. Wiegand; Charles J. Wiegand, Jr.; John H. Wiegand; Alton Wigen; Arthur Wigen; Byron Wigen; Jurgen Wigen; Robert J. Wigen; John Wight; A. J. Wilcox; Art Wilcox; Louella J. Wilcox; Mrs. Albert E. Wilkins; Judith B. Williams; Leon G. Williams; Clyde P. Wilson; Juanita M. Wilson; Bernice E. Wipperman; Malon L. Wipperman; Doris Witmore; Cora O. Woldstad; Stigvart Woldstad; Joni M. Wolstad; Marion L. Wolstad; Anna Mae Woltvedt; Melton T. Woltvedt; James K. Wood; Norma J. Wood; R. D. Wood; Wood River Ranch, Inc.; Jacob A. Wormsbecker; Ludwig Wormsbecker; Marie E. Wormsbecker; Harry Emmett Wright; Helen Maxine Wright; Jack H. Wright; Maxine H. Wright; Ordell Wright; Sylvia Wright; Patrick E. Wyse; Charles J. Yeager, Jr.; Yeager Land & Livestock Co.; Pearl E. Young; Virgil A. Young; Donald S. Zelenka; Ray Zelenka; Raymond Zelenka; Benjamin Zell; Henry E. Zell; Zimmerman Realty,

Defendants.

COMPLAINT

1. This is a civil action, pursuant to 28 U.S.C. 1345, in which the United States, in its own behalf and as fiduciary on behalf of the Blackfeet Indian Reservation and its allottees seeks a declaration of its rights in and to the use of the waters of the Marias River system.

2. The major tributaries of the Marias are Cut Bank Creek, Two Medicine River, Badger Creek, Birch Creek, Schultz (Flat) Coulee, Dry Fork Marias River, Pondera Coulee, Willow Creek, Medicine Rock Coulee, Eagle Creek and Cottonwood Creek.

3. The Marias River is formed in the southeast corner of Glacier County in north central Montana at the confluence of Cut Bank Creek and Two Medicine River. The river then flows in a generally southeast direction to its confluence with the Missouri River.

4. Cut Bank Creek arises in Glacier County in north central Montana and flows generally in an easterly direction. Near the vicinity of the town of Cut Bank, the stream takes a southerly direction to its confluence with the Two Medicine River, forming the Marias River. More than 90 percent of the Cut Bank Creek drainage lies within the Blackfeet Indian Reservation.

5. The Two Medicine River arises in southern Glacier County in north central Montana. It flows eastward to its confluence with Cut Bank Creek, forming the Marias River.

6. Badger Creek arises in northern Pondera County in north central Montana and flows northward into Glacier County. The stream then flows northeast until it enters the Two Medicine River. The drainage lies entirely within the Blackfeet Indian Reservation.

7. Birch Creek arises in northwestern Teton County and southwestern Pondera County. It flows northeast through Pondera County to its confluence with the Two Medicine River. From Swift Dam to its confluence with the Two Medicine River, Birch Creek forms the southern boundary of the Blackfeet Indian Reservation.

8. Schultz Coulee, which is also known as Flat Coulee, arises in Pondera County in north central Montana. It flows north into Toole County, where it enters

the Marias River. The entire drainage lies downstream from the Blackfeet Indian Reservation.

9. The Dry Fork of the Marias River arises in northern Teton County in north central Montana and flows northeast through Pondera County to its confluence with the Marias River in Toole County. The entire drainage lies downstream from the Blackfeet Indian Reservation.

10. Pondera Coulee arises in Pondera County in north central Montana and flows generally in an easterly direction to its confluence with the Marias River in Liberty County. The entire drainage lies downstream from the Blackfeet Indian Reservation.

11. Willow Creek arises in northern Toole County in north central Montana near the Canadian border. The stream flows in a southerly direction until it enters Tiber Reservoir on the Marias River. The entire drainage lies downstream from the Blackfeet Indian Reservation.

12. Medicine Rock Coulee arises in northern Toole County in north central Montana near the Canadian border. The stream flows south to its confluence with the Marias River. The entire drainage lies downstream from the Blackfeet Indian Reservation.

13. Eagle Creek arises in northern Liberty County in north central Montana near the Canadian border. The stream flows south until it enters Tiber Reservoir on the Marias River. The entire drainage is downstream from the Blackfeet Indian Reservation.

14. Cottonwood Creek arises in northern Liberty County in north central Montana near the Canadian bor-

der. The stream flows south to its confluence with the Marias River. The entire drainage lies downstream from the Blackfeet Indian Reservation.

15. By the Treaty of September 17, 1851, a reservation was established for the Blackfeet Tribe of Indians encompassing land which is now the Blackfeet Indian Reservation. 11 Stat. 657 (1855); Executive Order, July 5, 1873; Executive Order, August 19, 1874; Executive Order, April 13, 1875; Act of Congress, April 15, 1874; Act of Congress, May 1, 1888.

16. When the Blackfeet Indian Reservation was reserved, the right to use the waters in, on, under and adjacent to said lands was withdrawn from private appropriation as against the right of the United States on its own behalf and on behalf of the Blackfeet Tribe and its allottees to use such water as are or will be necessary for the present and future needs of the Indians, including municipal and domestic use, irrigation, stock watering and for the utilization of the reservation and its resources, and the purposes for which the reservation was created, including creation of a permanent tribal homeland.

17. Pursuant to the decree entered in *Conrad Investment Co. v. United States,* 161 Fed. 829 (9th Cir. 1908), the United States on behalf of the Blackfeet Tribe was guaranteed the right to use 41.67 cfs of the flow of Birch Creek.

18. Glacier National Park was established by the Act of May 11, 1910, 36 Stat. 354, from land in federal ownership, including land reserved for national forests, on February 22, 1897, June 9, 1903, March 2, 1907, and

June 25, 1908, and land reserved for the Blackfeet Indian Tribe on September 17, 1851.

19. As of the date of reservation, the right to use such water as reasonably necessary to fulfill the purposes of the reservation which lead to the creation of Glacier National Park, including, but not limited to, the preservation and management of park resources, protection of fish and game in the park, and public enjoyment of the park, was reserved to the United States.

20. The United States claims the right to use such waters as have been used for Glacier National Park for recreation, grazing, wildlife and other users.

21. On March 1, 1898, the Lewis and Clark National Forest was established and the right to use water for forest purposes, including, but not limited to, timber production and watershed management, was reserved. 29 Stat. 907.

22. Additional land was added to the Lewis and Clark National Forest and the right to use water for forest purposes, including, but not limited to, timber production and watershed management on those lands, was reserved. 33 Stat. 2311 (1903); 34 Stat. 3304 (1907); Executive Order 5834, April 8, 1932; 11 F. R. 249 (1945); 28 F. R. 9820, 9821 (1963); 33 F. R. 9342, 9343 (1968).

23. The United States claims the right to use the waters which have been used for the Lewis and Clark National Forest for grazing, recreation and other uses.

24. On April 17, 1926, the United States reserved all springs and waterholes located on public lands (federal), including the right to use the water within the springs and waterholes. Public Water Reserve No. 107.

25. On June 16, 1934, the United States reserved all nonproducing oil and gas wells which produce water and are located on public lands (federal). 48 Stat. 977.

26. The United States claims the right to use waters which have been used on public lands (federal) for grazing, stock watering and other uses.

27. The United States claims the right to use and store all waters necessary for the operation of the Lower Marias Unit of the U. S. Bureau of Reclamation, including maintenance of Lake Elwell (formerly Tiber Reservoir).

28. The defendants are the State of Montana, residents of the State of Montana, or are entities authorized to or doing business within the State of Montana.

29. The defendants are persons or entities using or seeking to use waters of the Marias River system or are claiming rights to use these waters.

30. The State of Montana is named as defendant in its proprietary capacity, in its governmental capacity as the regulator of water users under and in accordance with state law, and as parens patriae for its citizens, individual, corporate, or otherwise.

31. The defendants claim rights in or to the use of waters of the Marias River system adverse to those of the United States and which rights if exercised will jeopardize the integrity of the United States reservations and uses.

WHEREFORE, plaintiff prays that:

1. Each and all of the defendants be required to appear before this Court and set forth fully their claims in and to the use of the waters of the Marias River system.

2. That the Court determine and decree that the United States as fiduciary holds for the benefit of the Blackfeet Tribe of Indians and its allottees the right to use so much of the waters of the Marias River system in, on, under or adjacent to the Blackfeet Reservation reasonably necessary for the needs of said Blackfeet Tribe of Indians and its allottees with a priority date of 1851;

3. That the Court determine and decree that the United States has the right to use waters as set forth in paragraphs 18 through 27 with the priority dates therein stated;

4. That the Court determine and decree the relative rights to use the waters of the Marias River system.

5. That the Court enter its order and enjoin all water use except in accordance with the amounts and priorities as set forth in the Court's decree;

6. That the Court enter such further orders and decrees as may be just and proper for an adjudication of the rights of the parties to the use of water adjudicated herein.

Respectfully submitted,

/s/ James W. Moorman
Assistant Attorney General
Land and Natural Resources Division
Department of Justice
Washington, D. C. 20530

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COMPLAINT IN INTERVENTION OF ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION, United States v. Aasheim, et al., United States District Court, Montana, CV-79-40-BLG. (filed 4/10/79)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

No. CV-79-40-Blg

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VELVA AASHEIM, et al.,

Defendants,

ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION, MONTANA,

Plaintiff-Intervenor.

COMPLAINT IN INTERVENTION

The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (hereinafter "Tribes"), for their complaint, allege as follows:

1. The Tribes are Indian tribes duly recognized by the United States, with a constitution duly approved by the Secretary of the Interior.

2. The Tribes reside on the Fort Peck Indian Reservation, Montana, established under the Act of May 1, 1888, c. 213, 25 Stat. 113.

3. The Tribes adopt the allegations of the complaint of the United States, except for paragraphs 14-17, and the prayers of that complaint except for paragraph 4.

Respectfully submitted,

/s/ Reid Peyton Chambers
Reid Peyton Chambers
Sonosky, Chambers & Sachse
2030 M Street, N.W.
Washington, D. C. 20036

Attorney for Assiniboine and
Sioux Tribes

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COMPLAINT IN INTERVENTION OF ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION, United States v. Aageson, et al., United States District Court, Montana, CV-79-21-GF (filed 4/10/79)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

Civil No. CV-79-21-GF

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARVIN S. AAGESON, et al.,

Defendants,

ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION,

Plaintiff-Intervenor.

COMPLAINT IN INTERVENTION

The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (hereinafter "Tribes") for their complaint, allege as follows:

1. The Tribes are Indian Tribes duly recognized by the United States, with a constitution duly approved by the Secretary of the Interior.

2. The Tribes reside on the Fort Peck Indian Reservation, Montana, established under the Act of May 1, 1888, c. 213, 25 Stat. 113.

3. The Tribes adopt the allegations of the complaint of the United States, except for paragraphs 31-38, 41-62, and the prayers of that complaint, except for paragraphs 3-4, 6.

Respectfully submitted,

/s/ Reid Peyton Chambers
Reid Peyton Chambers
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Washington, D. C. 20036

Attorney for Assiniboine and
Sioux Tribes

Of counsel:

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MEMORANDUM AND ORDER, United States District Court, Montana, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation v. Tongue River Water Users Association, et al. (CV-75-G-Blg.); United States v. Tongue River Water Users Association, et al. (CV-75-20-Blg.); United States v. Big Horn Low Line Canal, et al. (CV-75-34-Blg.); United States v. Aasheim, et al. (CV-79-40-Blg.); United States v. Aageson, et al. (CV-79-21-GF); United States v. AMS Ranch, et al. (CV-79-22-GF); United States v. Abell, et al. (CV-79-33-M) (filed 11/29/79) (484 F. Supp. 31)

This document is printed as Appendix E of the Appendix to the Petition for a Writ of Certiorari. It It is not reprinted here.

OPINION, United States Court of Appeals for the Ninth Circuit, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, et al. (filed 2/22/82) (668 F. 2d 1080)

ORDER CLARIFYING OPINION, United States Court of Appeals for the Ninth Circuit, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, et al. v. Adsit, et al. (filed 4/5/82)

These documents are printed as Appendices C and D of the Appendix to the Petition for a Writ of Certiorari. They are not reprinted here.

ORDER ALLOWING CERTIORARI
(and consolidating cases), Supreme Court of the United States, Montana, et al. v. Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, et al. (filed 10/4/82)

SUPREME COURT OF THE UNITED STATES

No. 81-2188

Montana, et al.,

Petitioners,

vs.

Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, et al.

ORDER ALLOWING CERTIORARI Filed October 4, 1982.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit is granted. The case is consolidated with case No. 81-2147, *Arizona, et al. v. San Carlos Apache Tribe of Arizona, et al.,* and *Arizona, et al. v. Navajo Tribe of Indians, et al.,* and a total of one and one-half hours is allotted for oral argument.

MONTANA WATER USE ACT,
Laws of Montana (1973), Ch. 452, as codified in §§ 89-865 through 89-8-111, R. C. M. 1947, as amended

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SENATE BILL 76, Laws of Montana (1979), Ch. 697

UNITED STATES' PETITION TO THE MONTANA SUPREME COURT (filed April 9, 1982) and ORDERS OF THE MONTANA SUPREME COURT ATTACHED AS EXHIBITS

These documents are presented as Appendices F, G, and H of the Appendix to the Petition for a Writ of Certiorari. They are not reprinted here.